

Oral Testimony of Ms. Sri Suparyati
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Commission for the Disappeared and Victims of Violence (KontraS)

Thank you very much for inviting me to speak here today. I would also like to thank FIDH - the International Federation for Human Rights – for bringing me to Washington from Jakarta.

During the Soeharto era the Indonesian military and police committed many grave violations. The current government, led by President Susilo Bambang Yudhoyono (also known as SBY), has refused to investigate, prosecute or provide reparations to victims for past violations, or to put into place regulations that would stop abuses from happening in the future.

I would like to highlight two emblematic cases of ongoing impunity within the Indonesian armed forces: the unsolved murder of KontraS's founder and human rights activist Munir Said Thalib, and the enforced disappearances that took place between 1997 and 1998.

Munir Said Thalib was murdered on September 7, 2004 on a Garuda Airlines flight from Jakarta to Amsterdam. In 2005, President SBY ordered an investigation into his murder, but the report from this investigation was never released. On November 9, 2005, the members of the U.S. House of Representatives sent a letter to President SBY urging him to release the report and act on its recommendations. At the time, the letter was widely reported in the press and helped draw international attention to the Indonesian government's failure to act. As a result, the Indonesian police opened an investigation and a former Garuda pilot was convicted of the murder and sentenced to 20 years in prison. However, KontraS's own research on this case leads us to believe that the

convicted pilot was only a hired assassin, and that the people who plotted Munir's murder are still at large.

Between 1997 and 1998, 13 pro-democracy activists were disappeared, never to be heard from again. In 2009, the Indonesian House of Representatives issued official recommendations to President SBY on this case. The recommendations included creating an Ad Hoc Human Rights Tribunal, initiating an independent investigation into the whereabouts of the disappeared, providing reparations to the families of the disappeared, and ratifying the U.N. Convention on the Protection of All Persons from Enforced Disappearances.

Although the ratification of the Convention is part of Indonesia's National Action Plan on Human Rights, to this day the government has failed to actually fulfill any of the recommendations put forth by the Indonesian Human Rights Commission. In addition, the person who is widely believed to be responsible for these disappearances and many other gross human rights violations, former Special Forces Commander Prabowo Subianto, is now a front-runner for the upcoming presidential election in 2014.

These are only two examples of the pervasive impunity for human rights violations in Indonesia. This is especially troubling within the Indonesian military, as soldiers accused of human rights violations are currently tried in military courts, even in instances when the crimes are perpetrated against civilians. This has resulted in many perpetrators of gross human rights violations receiving extremely lenient sentences. For example, the nine soldiers found guilty of torturing and killing 17-year-old Charles Mali received only a one-year prison sentence from the military tribunal. In addition to their lenient and arbitrary sentencing, military tribunals are often not transparent and do not meet international standards.

The widespread impunity for past human rights violations has created a climate where state security forces are not deterred from committing more abuses, and the military and police continue to commit human rights violations on a daily basis.

In 2012, KontraS documented at least 704 human rights violations committed by the police, and 94 violations committed by the military. These included shootings, torture, arbitrary arrests and detention, among others. In a particularly shocking case, in March 2013, members of the military Special Forces raided a Central Java prison and killed four prisoners who were awaiting trial. 11 soldiers are now facing charges in military court for this attack, but based on the track record of military tribunals in Indonesia, there is strong reason to believe the perpetrators will get off with minimal sentences, or possibly even acquittals.

This cycle of unchecked violence is made worse by the failure of Indonesia's laws and criminal code to reinforce accountability for human rights violations. For example, the President recently passed a law on internal and public security, which gives the military authority to intervene in situations that "threaten public order." The ambiguity of this law could provide the military with authority to suppress dissent and freedom of expression in the name of security and public order.

In addition, the Indonesian criminal code does not articulate torture as a specific crime. Torture continues to be common during arrests and detention, and perpetrators are never held to account.

In light of these ongoing abuses and lack of justice for victims, we believe it is in the best interest of the United States to be careful in its relationship with Indonesia, to avoid supporting a military and police force that are guilty of gross human rights violations. Moreover, it is the moral responsibility of the United

States to use its influence over Indonesia to push for greater accountability and respect for international law.

We call on the US government to insist that President SBY exercise leadership in addressing past human rights abuses committed by Indonesian security forces, and preventing future violations, by:

1. Releasing the 2005 report on Munir Said Thalib's death and acting on the recommendations therein;
2. Implementing the recommendations of the Indonesian Parliament regarding the enforced disappearances in 1997-1998;
3. Condemning ongoing violence by the Indonesian military and police against civilians, and reforming the policies of these state institutions to ensure that perpetrators of any future acts of violence are held accountable in civilian courts;
4. Reform Indonesia's criminal court to reflect international human rights norms and laws, by, for example:
 - a. criminalizing the use of torture, and
 - b. limiting military involvement in questions of internal security.

If the Indonesian government fails to provide these protections and the Indonesian military and police continue to commit human rights abuses, the U.S. Congress must insist on terminating any funding for the Indonesian armed forces. This is not unprecedented; the U.S. Congress enacted a ban on military funding for Indonesia from 1992 to 1995 in response to human rights violations by the Indonesian military in East Timor. However, despite ongoing violations and impunity, Indonesia has received hundreds of millions of dollars in military assistance from the U.S. since Obama came into office. In September 2012, Obama proposed another 1.4 billion dollar arms package for Indonesia.

Until the Indonesian government can stop gross human rights violations and hold military leadership accountable, the U.S. should terminate this support to the Indonesian armed forces.

Thank you again for your attention to this very important issue.