

# Indonesia: National Security and Human Rights Background



Visit us at [www.rightsandsecurity.org](http://www.rightsandsecurity.org)  
and follow our work on Twitter @rightssecurity

# CONTENTS

Brief History	3
Legal and constitutional background	4
a) Legal system	4
b) Court system: Structure and role	5
c) Applicable international human rights obligations	5
d) National security legislation	7
e) Preventing and countering violent extremism (P/CVE)	8
Racial justice	9
Gendered Impacts	10
Preventing and countering violent extremism (P/CVE)	11
Technology and freedom of expression/freedom of association	12
Environmental and indigenous rights	13
a) Environmental rights	13
b) Indigenous rights	14
Civic space	16
Private sector involvement	17
Intervention logic for RSI	18
Project plan	19
Acknowledgments	20
Endnotes	21



# BRIEF HISTORY

1. Following a long period of colonial rule by the United Kingdom, France and - primarily - the Netherlands (with a period of occupation by Japan), Indonesia declared its independence on 17 August 1945, following the Japanese surrender at the end of World War II.<sup>1</sup> A period of dispute over the nature of the country's sovereignty followed, with the Netherlands reluctant to recognise Indonesian independence; eventually, following sustained pressure by the United Nations,<sup>2</sup> a single unitary Republic of Indonesia was proclaimed on 17 August 1950.
2. Initially, Indonesia experimented with liberal constitutional democracy, before President Sukarno shifted the constitutional and democratic focus to one of 'guided democracy'.<sup>3</sup> Sukarno justified this shift by arguing that traditional democracy naturally brought about conflict and divisions within society, and that such divisions would not be compatible with Indonesian values. This 'guided democracy' - starting from the late 1950s - was characterised by an increasing concentration of powers in the presidency, including the power to appoint members of parliament. However, the military also continued to wield a large degree of political power within the country; as will be explained below, the amount and effect of this power has fluctuated over the following decades.
3. In 1965, several military officers were kidnapped and murdered in a plot that top military leader General Suharto blamed on leftists. These events led to a seizure of power by Suharto and a violent society-wide anti-communist purge that resulted in the killing of hundreds of thousands of Indonesians. Suharto continued to gain power, while Sukarno was gradually forced out of his role and ultimately placed under house arrest until his death in 1970. Suharto was named acting president in 1967, before being formally appointed to the presidency in 1968.
4. During Suharto's presidency - often referred to as the 'New Order' regime - Indonesia experienced significant economic growth; however, this growth was inequitable, and Suharto's family benefitted significantly from institutionalised corruption.<sup>4</sup> During this period, Suharto annexed both West Papua and East Timor, with the latter subsequently attaining independence in 2002 following Suharto's resignation in 1998. The 'New Order' regime was characterised by rampant state-sanctioned human rights abuses, including systemic oppression of Suharto's opponents, the use of the military as a political and police force, and prohibitions on student activism.
5. Indonesia is currently in what is described as its reform era ('reformasi'), following the political decline and subsequent resignation of Suharto.<sup>5</sup> This era has included significant constitutional reforms, including an increase in the separation of powers between the three branches of government and direct elections to legislative and executive positions, with gender quotas required for each chamber.<sup>6</sup>
6. The response to the COVID-19 pandemic has led to multiple human rights issues in the

the country, following the government's response to the situation under a 'security' framework. For example, the Lokataru Foundation, an Indonesian human rights organisation, has reported numerous instances in which the military, police and security services have allegedly used 'unnecessary and excessive' force in enforcing pandemic-related restrictions on freedom of movement and freedom of assembly.<sup>7</sup> If true, these claims would be consistent with the country's responses to prior disasters such as the 2005 tsunami, during which scholars have alleged that the military and police acted heavy-handedly in the hardest-hit Aceh region.<sup>8</sup>

## LEGAL AND CONSTITUTIONAL BACKGROUND

### a. Legal system

7. Indonesia has significantly altered its legal system<sup>9</sup> since independence. The constitution is currently based on Pancasila, the Indonesian state philosophy, which has five principles: the belief in one God, a just and civilized humanity, Indonesian unity, democracy under the wise guidance of representative consultations, and social justice for all the peoples of Indonesia.<sup>10</sup>
8. Power in the country is often decentralised and rests with local authorities, although responsibility for national security remains with the central government. The exercise of decentralised competencies has led the International NGO Forum on Indonesian Development to express human rights concerns, principally linked to a lack of political will (including corruption), resources and capacity.<sup>11</sup> Some of the issues discussed below should be considered with this degree of decentralisation in mind.
9. The executive branch is currently led by President Joko Widodo (often referred to as 'Jokowi') and Vice President Ma'ruf Amin. The president is elected for a maximum of two five-year terms and is supported by regional heads responsible for decentralised matters. These regional heads, in turn, are supported by regional representatives who draft and pass laws, approve government regulations, and oversee the annual budget, among other functions. The president has the power to issue decrees and executive orders unilaterally and can also propose bills to the legislature. In practice, the use of executive powers has been broad, and sometimes these powers have enabled the executive to circumvent the difficult process of getting bills passed through the legislature.<sup>12</sup>
10. Indonesia's legislative body is the People's Consultative Assembly (MPR), which is bicameral: it includes the House of Representatives (DPR) as well as the Regional Representatives Council (DPD). Members, who are directly elected, are expected to represent the interests of their districts. The DPR has the power to formulate and pass bills - as noted above - whereas the DPD plays more of an advisory role by advising DPR on draft legislation and overseeing the execution of the law. The DPD as a body is non-partisan, whilst members of the DPR are required to be registered and affiliated with a political party.



11. There is no formal separation between religion and the state in Indonesia; in fact, religion – and particularly Islam – has consistently been a central tenet of the legal system in the country.<sup>13</sup> However, many scholars, lawyers, judges and politicians view Indonesia as unique in the centrality of religious pluralism in the country.<sup>14</sup>

## **b. Court system: Structure and role**

12. Indonesia has both a Supreme Court and a Constitutional Court. The Supreme Court is the final court of appeal for civil, criminal, military and religious cases, while the Constitutional Court addresses matters involving the interpretation of the country's constitution and has the power to strike down laws it finds to be unconstitutional. The Constitutional Court was created at independence in 1945, with the president frequently altering its competencies. The Supreme Court judges are nominated by the president, with oversight and confirmation carried out by the DPR, whilst judges of the Constitutional Court are nominated both by the DPR and the Supreme Court, with final appointment made by the president.
13. The Supreme Court has been the subject of criticism by academic commentators who depict it as a relatively weak institution. Some commentators have argued that the court's reasoning is often insufficiently detailed and sometimes ignores key precedents and laws.<sup>15</sup> According to academics and journalists, the court also appears reluctant to hear cases involving politically sensitive topics and to avoid strong criticisms of the government. Even when judgments are given against the executive, journalists and other commentators have expressed concerns that Supreme Court rulings often appear to be ignored by officials; lawyers in the country have therefore claimed that in practice, the court's decisions are not binding and that enforcement is delayed or not carried out, particularly where the court's reviews of administrative decisions are concerned.<sup>16</sup> For example, in relation to the palm oil industry, the Indonesian government, despite exhausting all appeal routes, has thus far declined to release plantation maps and data into the public domain as ordered by the court.<sup>17</sup>
14. Scholars and journalists have levelled similar criticisms against the Constitutional Court, and several of that court's prior judges have been convicted of corruption.<sup>18</sup> These convictions prompted amendments to the Court's functioning in the 2020 Constitutional Court Law, although the amendments were passed with limited public participation and scrutiny.<sup>19</sup> Constitutional scholars have criticised this move for further persuading judges to side with the executive on key contentious issues, such as the compatibility of the controversial Omnibus Law on Job Creation (discussed in more detail below) with the Constitution, instead of exercising balanced judgement.

## **c. Applicable international human rights obligations**

15. Domestically, the question of whether Indonesia's commitments under treaties and other international agreements are binding and enforceable is unclear, with both the government and the Constitutional and Supreme Courts often contradicting themselves by asserting



either that the legal system is monist (meaning that obligations contained in treaties become binding domestically immediately upon signature or ratification) or that is dualist (meaning that some domestic process is required – such as the passing of legislation – before a treaty is enforceable domestically). Simon Butt, an academic and legal commentator, has argued that this lack of clarity has allowed Indonesia to refuse to grant actionable human rights for its citizens; the question of whether citizens can protect their rights in this manner – that is, by going to court and relying on their treaty rights – is therefore often unclear.<sup>20</sup>

16. Indonesia has ratified most of the major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Cultural and Social Rights (ICESCR); the country ratified both covenants – which together are commonly described as the International Bill of Rights – in 2006. It is also a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Convention on the Rights of the Child (CRC); the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the Convention on the Rights of Persons with Disabilities (CRPD); and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW).<sup>21</sup>
17. However, Indonesia is not yet a party to many Optional Protocols to these Conventions, a situation that limits the ability of people in the country to make complaints to the treaty bodies (groups of experts that can issue conclusions about whether a state is violating the rights set out in the treaties). For instance, since it has not yet signed and ratified the Second Optional Protocol to the ICCPR, Indonesia has not internationally acknowledged the need to eradicate the death penalty. The death penalty is still utilised in Indonesia, and in 2018 its use was expanded to cases of ‘terrorist incitement’.<sup>22</sup> Indonesia also has yet to ratify the International Convention for the Protection of all Persons from Enforced Disappearance (CED), despite signing the treaty in 2010. Enforced disappearances were a prominent tactic used by the Suharto administration, but over 20 years later there remains a lack of accountability, and some of the leaders who allegedly orchestrated these disappearances remain in office.<sup>23</sup>
18. As a leading member of the Association of Southeast Asian Nations (ASEAN) – an important regional body, and (broadly speaking) the counterpart of other regional bodies such as the European Union and the Organisation of American States – Indonesia has a seat on the ASEAN Intergovernmental Commission on Human Rights.<sup>24</sup> The country has played a central role in the conception and formation of ASEAN’s human rights instruments,<sup>25</sup> despite the backlash received from the other member states, and it has played a leading role in pressuring ASEAN to act on the deteriorating human rights crises in the region – for example, in Myanmar.<sup>26</sup>
19. However, some commentators have argued that Indonesia has used its regional influence to strategically advocate against human rights abuses in other states whilst simultaneously shielding its own actions from external scrutiny both at the ASEAN and UN levels.<sup>27</sup>





- 20.** ASEAN's ability to uphold human rights in Indonesia and other states in the region is limited, as the body embraces a principle of non-interference and lacks a human rights court.<sup>28</sup> Many human rights experts regard the body as relatively weak in advocating for rights-based policies and criticising nefarious state actions, both in Indonesia and elsewhere.

#### **d. National security legislation**

- 21.** Much of Indonesia's national security and counter-terrorism legislation has been adopted and implemented since the Bali bombings in 2002.<sup>29</sup> Following the series of coordinated attacks in the tourist district of Kuta - which killed over 200 people and injured a further 200 - three members of Jemaah Islamiyah, a designated Islamist terrorist group, were sentenced to death.
- 22.** Anti-Terrorism Law No. 15/2003 defines terrorism broadly, by stating in Article 1(1) that '[t]he crime of terrorism is any act which fulfils the elements of crime under this Interim Law', most notably under Article 6, which includes '...by intentionally using violence or threats of violence, creates a widespread atmosphere of terror/fear or causes mass casualties, by taking the liberty or lives and property of other people, or causing damage or destruction to strategic vital objects, the environment, public facilities or international facilities...'.<sup>30</sup> The law authorises, amongst other powers, detention without trial for up to six months, the use of intelligence reports to obtain evidence for criminal prosecutions, and broad powers to intercept telephone conversations in instances in which the authorities suspect that the communications relate to an act or planned act of terrorism. Law No. 17/2011 on State Intelligence grants further intelligence powers regarding the interception and surveillance of communications, including wiretapping and access to financial records. The country also has an abundance of terrorist financing legislation, such as Anti-Money Laundering Law No. 8/2010, Law No. 5/2002 Concerning the Crime of Money Laundering and the Elucidation of Act No. 15/2002 on Money Laundering Criminal Act. Among other regulations, these laws force all financial institutions which are not registered banks to become a public entity and grant the authorities broader powers to freeze and gain access to bank accounts, with a range of criminal and administrative sanctions for non-compliance.
- 23.** The legislature amended the 2003 Anti-Terrorism Law in 2018 by adopting the Eradication of Criminal Acts of Terrorism Law, in response to suicide bombings in Surabaya in May of that year. Some legal and political scholars have suggested that the legislation may have the unstated goal of suppressing political dissent, citing what they regard as ambiguous definitions of 'terrorism' and 'threat of violence' that could encompass a broad range of actors.<sup>31</sup> The legislation significantly extends the period of permissible pre-charge and pre-trial detention to 21 days pre-charge and up to 290 days pre-trial with the approval of the district court's chief magistrate, and gives judges the power to impose the death penalty in cases of 'terrorism incitement', which is defined broadly as 'intentionally incit[ing] others to commit a criminal act of terrorism'.<sup>32</sup> The legislation also substantially expands the authorities' powers to use surveillance methods - such as opening and confiscating mail and intercepting communications - in circumstances in which they suspect that



the communications are being used to 'prepare, plan, and commit' an act of terrorism. Additionally, it gives the military broader powers to carry out counterterrorism operations.

- 24.** By law, military and policing functions must be separate in Indonesia;<sup>33</sup> however, in practice, the powers of the two institutions remain blurred.<sup>34</sup> A pertinent example can be seen in the policing of the independence movements in West Papua that are discussed below. According to Adhi Priamarizki, an academic, the authoritarian 'New Order' regime, in power until 1998, 'moulded the military into an internal security force', and this institutional history still appears to have influence in practice.<sup>35</sup> Despite concerns the president initially expressed about affording the military such a prominent political and security role, Jokowi has increasingly staffed high-level positions with current or former military figures, and has allegedly used both the military and police for political ends.<sup>36</sup>
- 25.** Most recently, a presidential regulation has been used to involve the military in enforcement of terrorism regulations, primarily in Papua and Central Sulawesi; there was no civil society input in the design of the regulation.<sup>37</sup> As these military agencies have special status, their accountability is limited. Concerns have also centred on a lack of established rules of engagement, as well as a conflict of interest due to military land ownership in regions in which it is also involved in combat.<sup>38</sup>



*The legislative building complex in Senayan, Jakarta*

Source: [Wikipedia Commons](#)

## **e. Preventing and countering violent extremism (P/CVE)**

- 26.** International law provides no settled definition of terrorism or what constitutes a terrorist organisation. However, a number of groups that have been designated as terrorist organisations by Indonesia, foreign states such as the United Kingdom and United States, or the UN operate out of Indonesia. The country has suffered many large-scale public attacks, and the UK Foreign, Commonwealth and Development Office describes the risks of



of similar attacks as high.<sup>39</sup> Many of the attacks have allegedly been tied to religious-political groups, with the largest designated terrorist group in the country currently being the Islamic State affiliate Jamaah Ansharut Daulah.<sup>40</sup> In the past, governments have described Indonesia as a prominent base for many groups internationally designated as terrorist organisations, such as Al-Qaida affiliate Jemaah Islamiyah.<sup>41</sup>

- 27.** In January 2021, Indonesia introduced the National Plan of Action on Countering Violent Extremism, with the authority of the president.<sup>42</sup> This plan aims for the coordination of a large number of ministries and government institutions involved in the prevention of terrorism, deradicalisation, law enforcement and capacity-building. The Plan of Action strongly relies on individual communications and reports from those within impacted communities.<sup>43</sup> In practice, P/CVE is often undertaken by civil society organisations that have stepped in to fill the gaps without formal oversight.<sup>44</sup> The police do play a key role in P/CVE efforts in Indonesia, including by gathering intelligence, although these efforts are led by Indonesia's specialist counterterrorism agency, Badan Nasional Penanggulangan Terrorisme (BNPT).<sup>45</sup>
- 28.** Officials have at times cited rehabilitation and a desire to improve social welfare as central pillars of these counterterrorism strategies.<sup>46</sup> However, the extent of 'community policing' as part of P/CVE initiatives has led to concerns about wrongful arrests.<sup>47</sup> Concerns have also been expressed that many deradicalisation efforts may be systemically relying on the use of torture both to obtain evidence and to persuade the individual to change their beliefs.<sup>48</sup> As outlined in more detail below in relation to the situation in West Papua, journalists and civil society actors have alleged that police, security services and the military have frequently labelled innocent civilians as terrorists and have abused their powers, causing deaths, disappearances and internal displacement.<sup>49</sup> It therefore appears that, despite some developments introduced in the recent National Plan of Action that journalists and civil society actors describe as positive, Indonesian P/CVE approaches remain plagued with accusations of violations of fundamental human rights.
- 29.** Despite these concerns, Indonesia currently remains a regional leader in counter-extremism and counter-terrorism efforts, and the country also has strategic importance on the international stage.<sup>50</sup> UK government evidence suggests that they have been supportive of Indonesia's counterterrorism and P/CVE efforts, despite the alleged lack of human rights compliance, due to the countries' 'strong existing relationship' in the areas of security and P/CVE. In April 2021, both countries agreed to enter into a new Memorandum of Understanding to this effect.<sup>51</sup> Further details currently remain sparse.

## RACIAL JUSTICE

- 30.** The most prominent racial justice concerns in Indonesia relate to West Papuans, with the 'Papuan Lives Matter' movement gaining traction alongside the 'Black Lives Matter' protests seen throughout the world in 2020.<sup>52</sup> Many West Papuan communities identify as 'black'. Several anti-racism protesters have been tried and convicted of treason,<sup>53</sup> and



security-related abuses connected to the West Papua region are discussed in greater detail in the 'Indigenous rights' section below.

- 31.** In addition to the discrimination routinely facing West Papuans in Indonesia, Indonesia has historically struggled to accommodate religious differences across its vast and diverse population. The state – in which a majority of the population identifies as Muslim – is officially secular,<sup>54</sup> and Jokowi has frequently turned to 'counter-Islamisation' not only as a cornerstone of Indonesia's P/CVE strategy, but as a means of reinforcing the 'Pancasila ideology'.<sup>55</sup> The official policy is for the state to recognise only six religions (Islam, Catholicism, Protestantism, Hinduism, Buddhism and Confucianism). According to human rights advocates, this policy contributes to abuses against religious minorities that are perceived as not fitting into these categories, such as the Ahmadiyya Muslim Movement.<sup>56</sup> Followers of non-recognised religions cannot obtain official identification documents and, as a result, are often unable to access essential services.<sup>57</sup>

## GENDERED IMPACTS

- 32.** Gender-based rights concerns that are particularly prominent in Indonesia include the use of 'virginity tests' for women wishing to join the military, gender-based violence committed against indigenous communities by the security forces and disproportionately long prison sentences for women convicted of drug-related offences.<sup>58</sup> There are broader concerns relating to the role of women in Aceh – a semi-autonomous region which was previously involved in a protracted conflict with Indonesian state forces – stemming from the adoption of restrictive laws the authorities have sought to justify on religious grounds.<sup>59</sup>
- 33.** Where security is concerned, practices that operate to exclude women from the military risk creating or preserving gender imbalances among security decision-makers. Some commentators have argued that the new National Plan of Action on Countering Violent Extremism represents an improvement in the gender sensitivity of Indonesia's counterterrorism efforts when compared to the prior approach, which gave rise to criticisms that the country was not adequately considering the nuanced gendered impacts and causes of what it regards as radicalisation, and was relying on outdated stereotypes when evaluating women's roles within groups labelled as 'extremist' or 'terrorist'.<sup>60</sup> The drafting process for the new Plan of Action involved a lengthy period of consultation with community organisations, which made extensive inputs regarding gender. However, critics counter claims of improvement by pointing to a number of outstanding gender-related concerns, such as fears that vague definitions and a lack of indicators create a risk of arbitrariness, potentially facilitating harms to women and marginalised communities.<sup>61</sup>
- 34.** In West Papua, market workers, who are predominantly female, have been disproportionately targeted by security services for intelligence purposes.<sup>62</sup> Additionally, journalists allege that women and others believed to support the West Papuan self-determination movement have been tortured and/or killed, despite not actively engaging in violent acts.<sup>63</sup> In addition, according to legal observers, there has



been a regular and increasing pattern of sexual violence committed against indigenous groups in the region, as a tactic for asserting the government's and the military's dominance in the region and assisting in 'land grabs'.<sup>64</sup>

## MIGRANTS' RIGHTS AND CITIZENSHIP

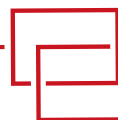
- 35.** Indonesia is both a major origin country and a host country for migrant workers.<sup>65</sup> It has struggled to protect those migrating into its territory for work, particularly vulnerable individuals who are at an especially high risk of exploitation. Due to its location, the country often receives asylum seekers and other displaced people, albeit with increasingly restrictive policies and rhetoric towards such groups.<sup>66</sup>
- 36.** The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families issued its most recent report on Indonesia in 2017 and made numerous substantive recommendations.<sup>67</sup> The Committee expressed concern about Article 85 of Indonesian Law No. 6/2011 which authorises the detention of undocumented migrants - including unaccompanied migrant children - for up to ten years without review. The Committee further noted that, following the failure to introduce national laws prohibiting direct or indirect discrimination, public authorities had been treating migrant workers - particularly those with irregular status - in a discriminatory manner. This problem is exacerbated by the fact that such victims often feel incapable of reporting these incidents, due to a fear of being detained for unlawful entry, which is punishable by imprisonment.<sup>68</sup> Academics have argued that there is a strong correlation - following discussion with policymakers - between security rhetoric and migration in the region, including in Indonesia.<sup>69</sup>
- 37.** Indonesia has been strongly affected by the 'foreign fighters' phenomenon, wherein people from a range of countries have travelled to join the Islamic State in Syria (ISIS) and other locations. Following the end of the peak period of the conflict with ISIS, the Indonesian government has refused to repatriate its citizens, leaving them in life-threatening conditions in the camps where they are now detained. Officials have claimed that alleged Islamic State members have automatically lost their nationality by joining the group, and the Presidential Chief of Staff, Moeldoko, has determined that these individuals are now stateless under international law.<sup>70</sup> This power of deprivation of citizenship ostensibly derives from Indonesia's Citizenship Law No. 12/2006, which provides that an individual voluntarily relinquishes their Indonesian citizenship if they pledge allegiance to a foreign state. However, there is ongoing legal debate as to the effect of this Indonesian law, with some experts arguing that Law No. 25 of 2014 requires the authorities to protect children victimised by terrorist networks; other commentators have asserted that although the Citizenship Law gives the government the authority to rescind citizenship, it nonetheless does not permit statelessness.<sup>71</sup>
- 38.** The revocation of citizenship, especially in the absence of a criminal conviction following a fair trial and a right of appeal, gives rise to serious human rights concerns. Meanwhile,



under international law, states are not entitled to make a person stateless.<sup>72</sup> An individual who is stateless lacks the protection otherwise afforded by nationality, thereby limiting or removing access to diplomatic assistance or protection as well as fundamental civil, political, social and economic rights, such as the right to education, the right to employment and the right to medical treatment.<sup>73</sup>

## TECHNOLOGY AND FREEDOM OF EXPRESSION/FREEDOM OF ASSOCIATION

39. In the past, sustained periods of repressive authoritarianism in Indonesia have stifled the fundamental freedoms of expression and association. Although the levels of oppression have diminished with the end of Suharto's rule, recent years have heralded a shift back towards restrictions, with President Joko Widodo implementing previous draconian policies and adapting them to the modern technological age by utilising social media and internet surveillance and content removals.<sup>74</sup>
40. Like many political and social movements, as well as criminal operations, groups labelled as terrorist at the domestic or international levels now use social media to carry out their recruitment and fundraising, and encrypted chat platforms to communicate.<sup>75</sup> Concomitantly, Indonesia, like many states, has sought to compel the removal of online content it regards as terrorist in nature. The ICCPR, in Article 19, provides that restrictions on freedom of expression can only be used in limited circumstances; although states can lawfully remove content on the basis of national security, they must not take an expansive approach to this doctrine, so Indonesia's broad approach may breach the legal obligation in Article 19.
41. Freedom House scores Indonesia as earning 49/100 on its internet freedom scale, and this score has been declining in recent years due to increased surveillance and limitations on access to anti-government materials (coupled with an increase in pro-government misinformation and propaganda).<sup>76</sup> In some instances, primarily in the West Papua region, the government has repeatedly shut down internet connectivity in response to protests in the area.
42. Commentators have alleged that social media monitoring, content takedowns, prosecutions for defamation-related offences, and criminalisation of individuals and groups based on their social media posts have been key strategies for the executive in stifling dissent, under the authority of the Information and Electronic Communications Law and the criminal prohibition of 'defamation of a public official'.<sup>77</sup> These practices of content removal and defamation prosecutions has worsened throughout the COVID-19 pandemic.<sup>78</sup>
43. Ministerial Regulation 5, a piece of secondary legislation issued by the Minister of



Communication and Informatics which passed in May 2021, compels social media platforms and online service providers to adhere to the state's content-removal rules.<sup>79</sup> The law requires that service providers obtain official identification and registration to operate an electronic system of this sort and the appointment of a local contact person (who thereby risks arrest or other actions). Additionally, the legislation authorises the mandatory removal of content 'prohibited by the government', which is facilitated by the outsourcing law enforcement to private actors (service providers, who are required to remove content with as little as four hours' notice) and forcing companies to monitor their compliance.<sup>80</sup> Service providers and digital platforms that failed to register by the deadline of 24 May 2021 would be blocked, although this deadline has now been extended by six months due to practical difficulties with compliance.<sup>81</sup>

- 44.** The new legislation also creates an extremely broad definition of 'prohibited content', including material 'causing public unrest or disorder' and information on how to access prohibited materials, such as instructions for using Virtual Private Networks (VPNs).<sup>82</sup> Although VPNs are not unlawful in Indonesia, government officials have threatened to withdraw the licences of service providers who do not block public access to banned content.<sup>83</sup>
- 45.** During Indonesia's last Universal Periodic Review (UPR) in 2017, the United States expressed concern about these restrictions on the freedom of expression and peaceful assembly, including in West Papua, as well as a lack of requisite accountability when the security service, military and police overstep the legal boundaries of their surveillance powers.<sup>84</sup> Many human rights defenders are allegedly being monitored by technology (using 'Pegasus' spyware), additionally in a way that implicates the UK, following that country's failure to limit the outsourcing of 'Gamma' technology by UK-registered companies.<sup>85</sup>
- 46.** Outside of the technology space, concerns about a 'securitised' approach to dissent and resulting restrictions on the freedoms of expression and assembly arise in the context of so-called 'union busting by the private sector' which, although unlawful as a matter of domestic law, remains frequently overlooked by the authorities.<sup>86</sup> Additionally, the protests against the Omnibus Law - an economic, environmental and labour law aimed at creating a unified Indonesian approach to foreign investment and increasing market attractiveness, but in turn removing environmental protections and weakening workers' rights - have been a key turning point, with police and security services treating protestors as security threats when responding.<sup>87</sup> Allegedly, many peaceful protestors were arrested for apparent possession of weapons, and the police used tear gas and water cannons to disperse crowds.<sup>88</sup> There are also allegations that detained protestors were beaten by the police and forced to drink from the same water bottle, despite a risk of contracting COVID-19.<sup>89</sup>

## ENVIRONMENTAL AND INDIGENOUS RIGHTS

### a. Environmental rights

- 47.** Global Witness and Human Rights Watch have both extensively reported on links between international corporations and the Indonesian palm oil trade. This trade subjects locals to



to human rights abuses, with frequent concerns about land grabs (that is, seizures - or forced or deceptive purchases - of land from less empowered people).<sup>90</sup> Indonesia's palm oil production is among the largest in the world, and environmental and other human rights abuses in the industry often go unpunished, even if they contravene domestic law. Allegedly, these abuses have been committed by both private and public security forces.



**An Indonesian Army infantryman participating in the UN's Global Peacekeeping Operation Initiative (GPOI)**

Source: [US Army](#)

- 48.** Harms caused by the palm oil industry's use of land - such as forest fires and emissions - were a key contributing factor in the November 2019 student protests. These protests resulted in a heavy police response, and many protestors were either injured or died in the clashes (for which at least one police officer was arrested).<sup>91</sup>

## **b. Indigenous rights**

- 49.** The West Papuan region is the indigenous region that has experienced the heaviest impact of government security responses by far, with a plethora of historic and current human rights violations occurring without any apparent accountability.<sup>92</sup> The Indonesian government has labelled many West Papuan groups as terrorist following clashes with security forces.<sup>93</sup>
- 50.** In a submission to Indonesia's 2017 Universal Periodic Review, Komnas HAM, the accredited national human rights institution, stated that indigenous communities lacked recognition, with 'vast territories belonging to indigenous peoples... claimed as state land', and said communal lands had not been restored following the colonial era.<sup>94</sup> According to their submission, those who sought to defend indigenous land rights faced criminalisation.
- 51.** The security situation in West Papua has deteriorated in 2021, particularly following the



alleged killing of an Indonesian intelligence official by Papuan rebels; this event has led to an increase in Indonesian military support offered to the security services in the region.<sup>95</sup> The deployment of irregular military troops - a historical practice in Indonesia - has been used to deal with the situation in West Papua.<sup>96</sup>

- 52.** Some commentators have described recent military and police operations in the region as a 'licence to shoot anyone'.<sup>97</sup> This alleged problem has been exacerbated by the labelling of West Papuan groups as terrorists, a development that authorises the police and military to use deadly force against anybody they suspect to be members of these groups. Indonesian security forces allegedly have also frequently utilised sexual violence as a means of obtaining land from West Papuans.<sup>98</sup> According to UN experts, unlawful killings, arrests, and various forms of cruel, inhuman and degrading treatment and punishment, are all prevalent in the security services' response to protests and dissent in the region.<sup>99</sup>
- 53.** This violence has also had implications for lawyers and human rights defenders in the region, with human rights defenders protecting the rights of indigenous communities in West Papua subject to online harassment and abuse, including by authorities.<sup>100</sup> The police, for example, have named human rights lawyers as 'suspects' for allegedly spreading misinformation and prompting civil unrest.
- 54.** According to academics and human rights organisations, many security-related human rights abuses also have a degree of private sector involvement, and in West Papua, academic monitors of the situation report that private sector assets have been disproportionately protected by security forces.<sup>101</sup> Although this protection was initially provided by the police, BRIMOB - a specialist counter-insurgency unit - has since become involved in assisting.<sup>102</sup>



A Sabhara officer

Source: [Wikipedia Commons](#)

## CIVIC SPACE

- 55.** CIVICUS's civic space tracker describes Indonesia's civic space as 'obstructed', a situation which, according to journalists, has worsened during the past few years.<sup>103</sup> For example, in response to Indonesia's 2017 UPR, Ireland raised concerns about the use of Indonesia's security apparatus to 'punish dissidents and human rights defenders'.
- 56.** On the other hand, some commentators have argued that civil society in Indonesia has been complicit in authoritarian legal developments, as activists have appeared unwilling to advocate against repressive legislative proposals which restrict fundamental rights.<sup>104</sup> A scholar at the Carnegie Endowment for International Peace attributes this development partly to increasingly conservative religious trends among local communities and the benefits that aligning with influential policymakers can have for grassroots organisations, but claims the primary factor is the co-option of local agendas into governmental rhetoric as part of counterterrorism and P/CVE efforts. For example, in a public speech at Gadjah Maha University, former Minister for Home Affairs Tjahjo Kumolo told community leaders to act as 'policemen' of their villages, including by monitoring religious and social activities and shutting down gatherings deemed 'unlawful' - in the same repressive manner once seen under President Suharto's 'New Order' regime.<sup>105</sup> Journalists claim that a direct result of this outsourcing of enforcement has been the targeting of minorities, LGBTQ+ people and the families of people labelled as suspected terrorists.<sup>106</sup>
- 57.** These pressures on civil society occur not just at the community level, but also at the public and national ones. As noted above, civil society actors in Indonesia have been monitored and harassed by the Jokowi Ahok Social Media Volunteers, a group of online volunteers dedicated to Jokowi, due to their political dissent. Reflecting the digital age, Jokowi has also increasingly turned to social media monitoring and other forms of technological surveillance to achieve these ends.<sup>107</sup>
- 58.** The Mass Organisation Law of 2017 has further been instrumental in restricting civic space.<sup>108</sup> Prior to this legislation, the executive had already been regulating foreign donations to organisations, whilst holding the power to disband them if it concluded that they represent suspected terrorists, are a self-determination movement, or appear to have a communist ideology. In such instances, there is no legal process for disbanding and no requirement to give reasons for the decision, which can lead to a heavy political influence in decision-making.<sup>109</sup>
- 59.** Hizb ut-Tahrir was such a casualty of the 2017 Law.<sup>110</sup> In this case, the Islamic focus of the organisation - primarily its central aim to form a caliphate - proved controversial, and authorities disbanded the group.<sup>111</sup> Meanwhile, larger Islamic organisations in Indonesia have often supported the government's



implementation of the Mass Organisations Law and other similar legal instruments, on the grounds that these help reduce religious extremism.<sup>112</sup>

- 60.** One Indonesian group interviewed for this report suggested that practices used in restricting the work of religious and civil society organisations have significantly impacted its ability to engage in human rights advocacy, particularly on sensitive issues such as government policy, policing and counterterrorism. Two other groups interviewed were keen to stress the deteriorating situation in West Papua, claiming that very little public information has been available about potential human rights abuses due to government oppression and, to an extent, authorities' control over the media. In their opinion, these factors render West Papua as the area with the most repressed civic space in Indonesia, and with currently the greatest difficulty in advocating for systemic change.
- 61.** In its submission to Indonesia's 2017 Universal Periodic Review, the national human rights institution, Komnas HAM, stated that human rights defenders had been attacked in various manners.<sup>113</sup> As noted above, this problem has affected groups and organisations whose aims are to protect groups that are already marginalised within Indonesia, such as Papuans.
- 62.** The Lokataru Foundation has alleged that in Indonesia, the COVID-19 pandemic had been used as an excuse for further restricting civic space, including through emergency decrees that the foundation claims have been used to suppress critics as well as civil society more broadly.<sup>114</sup> As the country's pandemic response has been heavily 'securitised' - implementing secretive measures with severe limitations on human rights, with an ultimate lack of accountability when human rights are violated - there has been little scope for independent oversight of executive action regarding the disease. Moreover, many of the planned protests against the Omnibus Bill - which were coordinated by civil society - were unable to proceed as a result of restrictions placed upon movement and assembly during the pandemic, which have limited the ability for the public to push back against this repressive legislation.<sup>115</sup>
- 63.** Civic space has nonetheless organised a number of public protests over the past few years, including those relating to the Omnibus Bill, China's treatment of Uyghur Muslims and human rights abuses in West Papua.<sup>116</sup> However, one Indonesian organisation consulted for this report expressed the view that it has recently become much harder to generate such a broad public narrative which sparks wider public action - perhaps in part due to government oppression, although potentially also linked to an increasing religious conservatism among Indonesian communities.

## PRIVATE SECTOR INVOLVEMENT

- 64.** In its response to Indonesia's 2017 UPR, the United Kingdom noted the alleged mistreatment of those working in the natural resources sector, as outlined above.<sup>117</sup> Further, Indonesia's national human rights institution, Komnas HAM, suggested that businesses were violating human rights without accountability for these abuses or rehabilitation for victims. According to Komnas HAM, in some instances, this problem of



impunity arose due to an apparent lack of regulation; however, in many cases laws or regulations existed, but potential violations were not being adequately investigated or prosecuted in the domestic courts.

65. The palm oil industry in particular has allegedly been involved in land grabs and human rights abuses, principally the targeting of human rights defenders in the region. The palm oil trade in Indonesia, including businesses linked to these alleged abuses, has strong links with foreign corporations.<sup>118</sup>
66. Moreover, journalists and human rights advocates claim that many natural resources subject to 'land grabs', as well as mining facilities, have been ignored by both police and security services, with disproportionate force allegedly used to secure the lands and protect the facilities on behalf of private corporations.<sup>119</sup> Reports by media outlets have also implicated the private sector in providing technology for the monitoring of critics and civic actors (as noted above in relation to 'Pegasus' and 'Gamma' software). Additionally, the heavy integration of private security services - both private contractors and those employees of the companies - with the regular Indonesian police forces appears to have exacerbated these issues.<sup>120</sup> In some instances, private companies have even paid the military and police to provide private security services, as it is regarded as a usual practice for the military in Indonesia to self-fund some of its own operating costs in this way.<sup>121</sup>
67. Indonesia had appeared to be making progress towards stronger compliance with human rights in its regulation of the private sector over the past few years: for example, Komnas HAM and Lembaga Studi & Advokasi Masyarakat (ELSAM, an Indonesian civil society organisation, have created a draft national action plan on business and human rights, which has been given legal force through Regulation No. 1/2017.<sup>122</sup> However, this effort at ensuring respect for human rights by corporations has recently stalled and, practically speaking, rights violations are still common and appear to be perpetrated with impunity.<sup>123</sup>

## INTERVENTION LOGIC FOR RSI

The Indonesian situation raises many human rights issues connected to counterterrorism and other national security concepts - ones in which RSI has developed a niche expertise over the decades of its engagement with the UK and other countries.

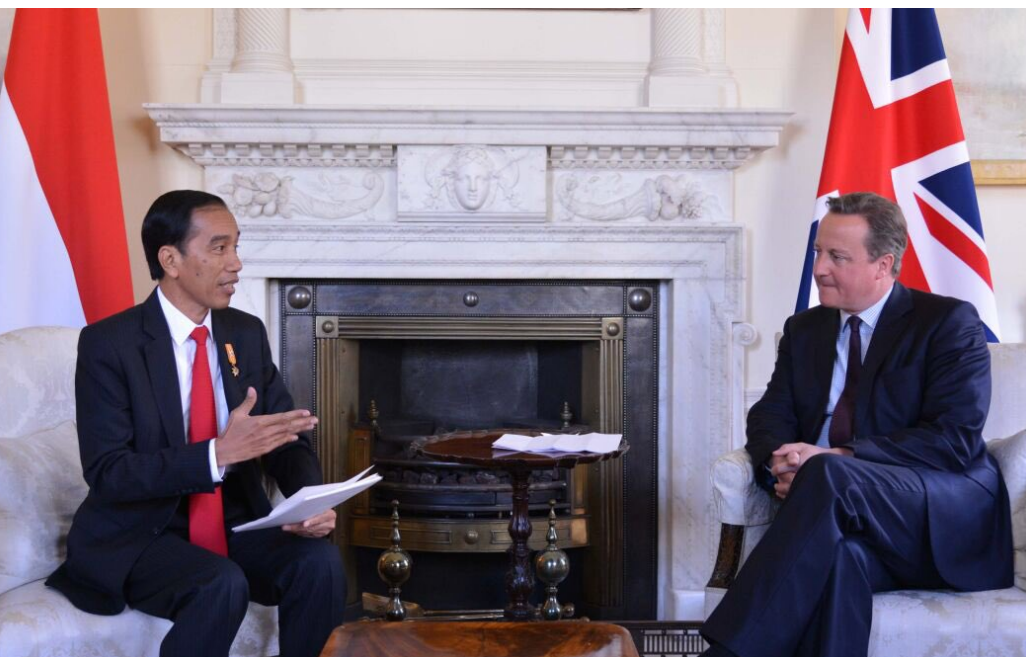
For example, many of the security-related rights violations committed in Northern Ireland during 'the Troubles' can also be found in Indonesia at present. RSI, civil society groups in Northern Ireland and victims of abuses during the Troubles have long waged a struggle against impunity for abuses; similarly, based on our background research, it appears that there is a profound lack of accountability for human rights violations by all parties in Indonesia - including public and private security services, the military and specialised counterterrorism units, and designated 'terrorist' actors.<sup>124</sup> Additionally, the Indonesian authorities, in the aforementioned 2018 Eradication of Criminal Acts of Terrorism Law, perpetuated a practice of lengthy pre-charge and pre-trial detention - a human rights problem seen in



both Northern Ireland and in the 'global war on terror' in the UK, as well as in other countries with extensive national security operations domestically.<sup>125</sup>

Furthermore, the Indonesian authorities, as discussed above, insistently refuse to repatriate nationals (or former nationals) impacted by the 'foreign fighter' phenomenon, and have even taken the position that such people have lost their Indonesian citizenship 'automatically', regardless of a risk of statelessness. The practice of citizenship deprivation (especially without due process) and the failure to repatriate could benefit strongly from engagement and advocacy interventions by RSI, given our unique experience and leadership role on these issues.<sup>126</sup>

Finally, despite the progressive adoption of a 'whole of society' approach when conceptualising and drafting the National Plan of Action on Countering Violent Extremism, and whilst in practice it is too early to assess the plan's implementation, it is clear that women's rights and other and gendered impacts have either been excluded from P/CVE implementation in Indonesia or have been significantly instrumentalised in a way that harms rights based on gender. Given RSI's extensive involvement with the UK's Prevent counterterrorism strategy, as well as assessing the gendered impacts of counterterrorism and post-conflict justice, this is another key area in which RSI - together with partners - could contribute to the enhancement of rights in Indonesia.<sup>127</sup>



**President of Indonesia Joko Widodo and former British Prime Minister David Cameron at 10 Downing Street, London**

Source: [Twitter](#)

## PROJECT PLAN

### Primary aims

In partnership with Indonesian human rights organisations, exposing and reducing Indonesia's use of rights-violating counterterrorism or P/CVE strategies. Specifically:





- Exposing and ending any UK support for rights-violating P/CVE practices in Indonesia.
- Exposing and building momentum for an end to abuses of indigenous peoples in the West Papua region that the government seeks to justify on 'counterterrorism' grounds. Obtaining diplomatic commitments, new laws or other indicators that Indonesia will curb harmful counterterrorism practices in the region.
- As part of a broader RSI project on citizenship deprivation, stigmatise and end the practice of citizenship deprivation (or 'automatic' loss) on counterterrorism grounds in Indonesia in the absence of a sufficiently serious criminal conviction following a fair trial – especially when this occurs without other crucial rights protections.

RSI's near-term research and advocacy goals:

- Determining the nature and extent of UK involvement in Indonesian P/CVE practices, particularly with regard to training, resources and financing, and the provision of logistical or other substantive expertise and support.
- Publishing research on these issues that we and our Indonesian partners can use for advocacy at the national and international levels.
- Building an advocacy campaign in the UK to ensure that UK support for Indonesian counterterrorism and P/CVE policies does not undermine fundamental human rights.
- Supporting our Indonesian partners as they carry out research and advocacy focused on the Indonesian government's counterterrorism activities, including its 'securitised' treatment of civic space and human rights defenders, in the West Papua region.
- Determining and publishing research on the legal and policy causes, and practical consequences, of citizenship deprivation or 'loss' in the counterterrorism context in Indonesia, with a view to how these practices may affect women or vulnerable groups in particular.

We will share details of our planned methodology with our partners and potential partners.

## ACKNOWLEDGEMENTS

Rights & Security International (RSI) is a London-based NGO with over 30 years' experience in ensuring that measures taken in the name of national security respect human rights. As part of its international expansion, RSI is currently scoping the national security and human rights situations in target countries. This report will precede planned future engagement in Indonesia alongside discrete standalone projects in the country.

Consultation, research and drafting was conducted by Jacob Smith, Research and Advocacy Officer at RSI. The author wishes to thank Sarah St Vincent and Daniel Ehigialua for their extensive feedback on earlier drafts, and Sabah Hussain, for formatting and publishing this report.

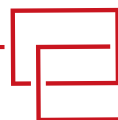
This report was drafted in consultation with three Indonesia-based civil society organisations. The author wishes to thank Kirana Anjani and Mirza Fahmi of the Lokataru Foundation and Wahyudi Djafar, Miftah Fadhli and Muhammad Fuad of ELSAM (Lembaga Studi and Advokasi Masyarakat) for their extensive consultation and feedback on an earlier draft. Thanks also to Fatia Maulidiyanti of KontraS, for consultation during the preliminary research phase.





# ENDNOTES

- 1 Britannica, [‘The French and the British in Java, 1806-15’](#) (Britannica); Britannica, [‘Growth and impact of the Dutch East India Company’](#) (Britannica); Britannica, [‘Japanese occupation’](#) (Britannica).
- 2 Richard Cavendish, [‘Independence for Indonesia’](#) (History Today, 11 November 1999).
- 3 For more information, see Herbert Feith, [The Decline of Constitutional Democracy in Indonesia](#) (Equinox Publishing: 2006).
- 4 Amnesty International, [‘Indonesia: Power and Impunity: Human Rights under the New Order’](#) (1 September 1994).
- 5 For more information, see Rachael Diprose, Dave McRae and Vedi R. Hadiz, [‘Two Decades of Reformasi in Indonesia: Its Illiberal Turn’](#) (2019) 49(5) Journal of Contemporary Asia 691.
- 6 Ben Bland, [‘Indonesia: look beyond quotas for gender representation’](#) (The Interpreter, 21 March 2019).
- 7 Kirana Anjani, Haris Azhar and Mirza Fahmi, [‘Shrinking Civic Space Amidst the COVID-19 Pandemic in Indonesia’](#) (April 2020).
- 8 University of California, Berkeley Human Rights Center, [‘After the Tsunami: Human Rights of Vulnerable Populations’](#) (October 2005), pp. 37-38.
- 9 For a useful outline, see Britannica, [‘Justice of Indonesia’](#) (Britannica).
- 10 Britannica, [‘Pancasila: Indonesian political philosophy’](#) (Britannica).
- 11 International NGO Forum on Indonesian Development, [‘Information on Local Government Initiatives for Promoting and Protecting Human Rights in Indonesia’](#) (2019), paras. 30-34.
- 12 Jakarta Globe, [‘Understanding Indonesia’s Political System | Noteworthy Ep. 1’](#) (YouTube, 1 April 2019).
- 13 Toby Evans, [‘Separation of Mosque and State in Indonesia’](#) (2011) 27(4) Policy 35.
- 14 Melissa A. Crouch, [‘Law and Religion in Indonesia: The Constitutional Court and the Blasphemy Law’](#) (2012) 7(1) Asian Journal of Comparative Law 1, pp. 37-38, 40-41.
- 15 Simon Butt, [‘Judicial Reasoning and Review in the Indonesian Supreme Court’](#) (2019) 6(1) Asian Journal of Law and Society 67, pp. 67-69.
- 16 Ina Parlina, [‘When Supreme Court is ignored, citizens lose access to justice’](#) (The Jakarta Post, 8 September 2011).
- 17 Hans Nicholas Jong, [‘Final court ruling orders Indonesian government to publish plantation data’](#) (Mongabay, 10 June 2021).
- 18 Santy Kouwagam, [‘Is the Indonesian Constitutional Court corrupt?’](#) (Leiden Law Blog, 11 October 2013).
- 19 Simon Butt, [‘The 2020 Constitutional Court Law amendments: a ‘gift’ to judges?’](#) (Indonesia at Melbourne: University of Melbourne, 3 September 2020).
- 20 Simon Butt, [‘The Position of International Law Within the Indonesian Legal System’](#) (2014) 28(1) Emory International Law Review 1.
- 21 United Nations Office of the High Commissioner for Human Rights, [‘Status of Ratification Interactive Dashboard’](#) (UNOHCHR).
- 22 Usman Hamid, [‘Indonesia: death sentence imposed on cleric for terrorism criticised’](#) (Amnesty International UK, 22 June 2018).
- 23 Asian Legal Resource Centre, [‘INDONESIA: Twenty two years of unresolved enforced disappearances while the offender enjoys impunity’](#) (Asian Legal Resource Centre, 11 September 2020).
- 24 Barry Desker, [‘Is Indonesia Outgrowing ASEAN?’](#), in Yang Razali Kassim (ed.), Strategic Currents: Issues in Human Security in Asia (ISEAS Publishing: 2011), p. 209.
- 25 Abubakar Eby Hara, [‘The struggle to uphold a regional human rights regime: the winding role of ASEAN Intergovernmental Commission on Human Rights \(AICHR\)’](#) (2019) 62(1) Revista Brasileira de Política Internacional e011, pp. 7-9, 11.
- 26 Dian Septiari, [‘Indonesia reiterates call to appoint ASEAN envoy to Myanmar’](#) (The Jakarta Post, 29 June 2021).
- 27 Moch Faisal Karim, [‘Why Indonesia’s human rights advocacy at the United Nations is often inconsistent and half-hearted’](#) (The Conversation, 24 July 2020).
- 28 Sanae Suzuki, [‘Why is ASEAN not intrusive? Non-interference meets state strength’](#) (2019) 8(2) Journal of Contemporary East Asia Studies 157.
- 29 International Commission of Jurists, [‘Indonesia – Southeast Asia Security Laws’](#) (ICJ).
- 30 Simon Butt, [‘Anti-Terrorism Law and Criminal Process in Indonesia’](#), University of Melbourne ARC Federation Fellowship Background Paper No. 1, p. 3.
- 31 Napat Rungsritthananon, [‘Indonesia’s New Counter-Terrorism Law and the Government’s Hidden Agenda?’](#) (Oxford Human Rights Hub, 17 August 2018).
- 32 Brad Adams, [‘Letter on Indonesia’s New Counterterrorism Law to President Joko Widodo and Speaker Bambang Soesatyo’](#) (Human Rights Watch, 20 June 2018).
- 33 Liping Xu, [‘The Transition of Civil-Military Relations in Indonesia and Its Implication for Myanmar’](#) (Stimson Center, June 2021), pp. 5-6.
- 34 Natalie Sambhi, [‘Generals gaining ground: Civil-military relations and democracy in Indonesia’](#) (Brookings, 22 January 2021).



- 35 Adhi Priamarizki, [‘Indonesia’s military still preoccupied with internal security’](#) (East Asia Forum, 4 June 2021).
- 36 Sambu (n34).
- 37 Muhamad Arif, [‘On the Role of the Indonesian Military in Counterterrorism’](#) (THC Insights, 14 May 2020).
- 38 Sarah Nuraini Siregar, [‘Indonesian National Police in Terrorism Handling Policy During Joko Widodo’s Government: Analysis of Role, Function and Evaluation’](#) (2019) 367 *Advances in Social Science, Education and Humanities Research* 93.
- 39 Foreign, Commonwealth and Development Office, [‘Foreign Travel Advice: Indonesia’](#) (Gov.uk).
- 40 John McBeth, [‘Indonesia’s most dangerous terrorist group – the rise of JAD’](#) (The Strategist, 16 May 2018).
- 41 Irine Hiraswari Gayatri, [‘Indonesia’s NAP CVE as an Instrument of a Gendered Non-Traditional Security Approach in Indo Pacific’](#) (International Affairs, 11 February 2021).
- 42 Counter Extremism Project, [‘Indonesia: Extremism and Terrorism’](#) (Counter Extremism); Office of Assistant to Deputy Cabinet Secretary for State Documents & Translation, [‘Gov’t Issues Regulation on Action Plan to Tackle Violent Extremism’](#) (Cabinet Secretariat of the Republic of Indonesia, 24 January 2021).
- 43 A. Muh. Ibnu Aqil, [‘New antiterror policy sparks fears of witch hunt’](#) (The Jakarta Post, 18 January 2021).
- 44 Cameron Sumpter, [‘Countering violent extremism in Indonesia: priorities, practice and the role of civil society’](#) (2017) 11 *Journal for Deradicalization* 112, pp. 128-130.
- 45 Counter Extremism Project (n42).
- 46 Counter Extremism Project (n42).
- 47 Wahyudi Soeriaatmadja, [‘New Indonesian law empowers communities in anti-terror fight’](#) (The Straits Times, 20 January 2021).
- 48 Sheany, [‘Torture Remains a Serious Problem in Indonesia: AHRC’](#) (Jakarta Globe, 30 June 2017).
- 49 Rory James, [‘“We are living in a war zone”: violence flares in West Papua as villagers forced to flee’](#) (The Guardian, 11 May 2021).
- 50 U.S. Department of State Bureau of Counterterrorism, [‘Country Reports on Terrorism 2019: Indonesia’](#) (U.S. Department of State, 24 June 2020).
- 51 Foreign, Commonwealth and Development Office, [‘Policy Paper: Indonesia-United Kingdom Partnership Forum 2021: Joint Statement’](#) (Gov.uk, 7 April 2021).
- 52 Amy Guina, [‘A Racial Justice Campaign Brought New Attention to Indonesia’s Poorest Region. Will It Translate to Support for Independence?’](#) (TIME, 15 December 2020).
- 53 Budi Sutrisno, [‘Papuan protestors sentenced to less than one year for treason amid calls to drop charges’](#) (The Jakarta Post, 17 June 2020).
- 54 Nithin Coca, [‘Is Indonesia’s Vaunted Secularism Under Threat?’](#) (The Diplomat, 21 December 2016).
- 55 Dana Malapit, [‘Protecting Pancasila: Indonesia’s Fight Against Religious Extremism’](#) (The McGill International Review, 20 December 2020).
- 56 Andreas Harsono, [‘Religious minorities in Indonesia face discrimination’](#) (New Mandala, 24 December 2020).
- 57 U.S. Department of State Office of International Religious Freedom, [‘2020 Report on International Religious Freedom: Indonesia’](#) (U.S. Department of State, 12 May 2021).
- 58 Nisha Varia, [‘Indonesia: Medical Groups Silent on Abusive “Virginity Tests”](#) (Human Rights Watch, 7 March 2018); Szilvia Csevár and Christine Tremblay, [‘Sexualised Violence and Land Grabbing: forgotten conflict and ignored victims in West Papua’](#) (LSE Blogs, 21 August 2019); Ricky Gunawan and Will Doran, [‘The Time Has Come for Indonesia to Decriminalize Drugs’](#) (Jakarta Globe, 11 February 2020).
- 59 Aisyah Llewellyn, [‘“Shame and humiliation”: Aceh’s Islamic law violates human rights’](#) (Al Jazeera, 28 June 2019).
- 60 Gayatri (n41); Genevieve Curtis, [‘What Indonesia is Getting Wrong About Women and Violent Extremism’](#) (THC Insights, 11 June 2020); Sara Mahmood, [‘Negating Stereotypes: Women, Gender, and Terrorism in Indonesia and Pakistan’](#), in Audrey Alexander (ed.), *Perspectives on the Future of Women, Gender, and Violent Extremism* (George Washington University: February 2019), pp. 11-17; Amalina



Abdul Nasir, '[How Indonesia Can Address the Growing Number of Female Extremists](#)' (The Diplomat, 28 May 2020).

- 61 Gufron Mabururi, Ardianto Putro and Evitarosi Budiawan, '[Menyikapi Perpres tentang Rencana Aksi Nasional Pencegahan dan Penanggulangan Ekstremisme Berbasis Kekerasan yang Mengarah pada Terorisme \(RAN PE\)](#)' (imparsial, 20 January 2021).
- 62 Elizabeth Brundige, Winter King, Priyeha Vahali, Stephen Vladeck, Xiang Yuan, '[Indonesian Human Rights Abuses in West Papua: Application of the Law of Genocide to the History of Indonesian Control](#)' (Allard K. Lowenstein International Human Rights Clinic, April 2004), pp. 62, 68-69.
- 63 James (n49).
- 64 Csevár and Tremblay (n58).
- 65 Antje Missbach and Wayne Palmer, '[Indonesia: A Country Grappling with Migrant Protection at Home and Abroad](#)' (Migration Policy Institute, 19 September 2018).
- 66 Ibid.
- 67 Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, 'Concluding observations on the initial report of Indonesia', [CMW/C/IDN/CO/1](#), 19 October 2017.
- 68 Under Article 113 of Law No. 6/2011.
- 69 AKM Ahsan Ullah, Noor Hasharina Hasan, Siti Mazidah Mohamad and Diotima Chatteraj, '[Migration and Security: Implications for Minority Migrant Groups](#)' (2020) 76(1) India Quarterly 136.
- 70 Rikar Hussein and Ghita Intan, '[Hundreds of Indonesian Former IS Members, Families Could Become Stateless](#)' (VOA News, 29 February 2020).
- 71 Ibid; Al Araf and Anton Aliabbas, '[Wrong to make Indonesian Islamic State fighters stateless](#)' (The Jakarta Post, 24 February 2020).
- 72 Mark Murphy, Laura van Waas, Adrian Berry and Laurie Fransman, '[Statelessness: The Impact of International Law and Current Challenges](#)' (Chatham House, 4 November 2014), pp. 5-6.
- 73 Ibid, p. 2.
- 74 Usman Hamid and Ary Hermawan, '[Indonesia's Shrinking Civic Space for Protests and Digital Activism](#)' (Carnegie Endowment for International Peace, 17 November 2020).
- 75 Nava Nuraniyah, '[The Evolution of Online Violent Extremism in Indonesia and the Philippines](#)', Global Research Network on Terrorism and Technology: Paper No. 5 (2019); Jennifer Yang Hui, 'Crowdsourcing terror in Indonesia' (East Asia Forum, 21 June 2018).
- 76 Freedom House, '[Freedom on the Net 2020: Indonesia](#)' (Freedom House, 2020).
- 77 Clement Nyaletsossi Voule, David Kaye, Dubravka Šimonović, Meskerem Geset Techane and Michel Forst, '[Indonesia must protect rights of Veronica Koman and others reporting on Papua and West Papua protests - UN experts](#)' (UNOHCHR, 16 September 2019).
- 78 Freedom House (n76).
- 79 Daniel Pardede, Adhika Wiyoso and Biro Harimahesa, '[Indonesia: Indonesia Regulates Foreign Private Electronic System Operators](#)' (Lexology, 11 December 2020); Katitza Rodriguez, '[Indonesia's Proposed Online Intermediary Regulation May be the Most Repressive Yet](#)' (EFF, 16 February 2021).
- 80 Reuters, '[Indonesia to meet social media firms as it eyes 'negative content' fines](#)' (Reuters, 6 November 2019).
- 81 Human Rights Watch, '[Indonesia: Suspend, Revise New Internet Regulation](#)' (Human Rights Watch, 21 May 2021).
- 82 Rodriguez (n79).
- 83 Yudha Pratomo, '[Kominfo ke Penyedia VPN: Wajib Punya Izin atau Diblokir](#)' (Kompas.com, 3 July 2019).
- 84 Human Rights Council, '[Report of the Working Group on the Universal Periodic Review: Indonesia](#)', Thirty-sixth session, A/HRC/36/7, 14 July 2017, para. 128.
- 85 Petir Garda Bhwana, '[Tracing Pegasus, a Spyware Allegedly Used in Indonesia](#)' (Tempo.co, 29 June 2020); Patrick Howell O'Neill, '[The spyware used by Arab dictators has now shown up in Myanmar](#)' (MIT Technology Review, 10 July 2019).



- 86 Dimas Hutomo, '[Perlindungan Hukum Serikat Buruh dari Union Busting](#)' (Hukum Online, 20 February 2019); ITF Aviation Blog, '[ITF demands that Garuda Indonesia ends its union-busting campaign](#)' (ITF Aviation Blog, 27 August 2019).
- 87 BBC News, '[Indonesia: Thousands protests against 'omnibus law' on jobs](#)' (BBC News, 8 October 2020).
- 88 Agustinus Beo Da Costa, '[Indonesia protests against new jobs law enter second week](#)' (Reuters, 12 October 2020).
- 89 Febriana Firdaus, '[Indonesian police arrest hundreds during protests against labour law](#)' (The Guardian, 7 October 2020).
- 90 Global Witness, '[Indonesia palm oil traders are failing land and environmental defenders](#)' (10 December 2020); Human Rights Watch, '["Why Our Land?" Oil Palm Expansion in Indonesia Risks Peatlands and Livelihoods](#)' (June 2021).
- 91 Stanley Widiyanto and Gayatri Suroyo, '[Anger on campus: Behind the student protests that have rocked Indonesia](#)' (Reuters, 7 November 2019).
- 92 Human Rights Watch, '[Protest and Punishment: Political Prisoners in Papua](#)' (February 2007).
- 93 The Jakarta Post, '[Indonesia declares Papuan rebels terrorists](#)' (The Jakarta Post, 29 April 2021); ABC News, '[Inside Indonesia's Secret War for West Papua | Foreign Correspondent](#)' (YouTube, 12 May 2020).
- 94 Human Rights Council, 'Summary of stakeholders' submissions on Indonesia: Report of the Office of the United Nations High Commissioner for Human Rights', Working Group on the Universal Periodic Review Twenty-seventh session, [A/HRC/WG.6/27/IDN/3](#), 20 February 2017, para. 10.
- 95 Al Jazeera, '[Indonesia: Papua intelligence chief killed in rebel attack](#)' (Al Jazeera, 26 April 2021); Kate Lamb, '[Indonesia deploys 400 battle-hardened troops to troubled Papua](#)' (Reuters, 6 May 2021).
- 96 Damien Kingsbury, [Power Politics and the Indonesian Military](#) (RoutledgeCurzon: 2003), pp. 45, 47, 96-125; Johnny Blades, '[West Papua: The Issue that Won't Go Away for Melanesia](#)' (Lowy Institute, 1 May 2020).
- 97 Chris Barrett and Karuni Rompies, '[Indonesian manhunt for 170 'terrorists' slammed as licence to 'shoot anyone'](#)' (WA Today, 4 June 2021).
- 98 Csevár and Tremblay (n58).
- 99 Victoria Tauli Corpuz, Seong-Phil Hong, Michel Forst, Nils Melzer, E. Tendayi Achiume, '[Indonesia: UN experts condemn racism and police violence against Papuans and use of snake against arrested boy](#)' (UNOHCHR, 21 February 2019).
- 100 Nyaletsossi Voule et al (n77).
- 101 Nigel D. White, Mary E. Footer, Kerry Senior, Mark van Dorp, Vincent Kiezebrink, Y. Wasi Gede Puraka and Ayudya Fajri Anzas, '[Blurring Public and Private Security in Indonesia: Corporate Interests and Human Rights in a Fragile Environment](#)' (2018) 65 Netherlands International Law Review 217; Csevár and Tremblay (n58).
- 102 Petir Garda Bhwana, '[Police Dispatches Four Units of Brimob Personnel to West Papua](#)' (Tempo.co, 21 August 2019).
- 103 CIVICUS, '[Indonesia](#)' (Civicus Monitor, 10 June 2021); Ary Hermawan, '[Fight for your freedom: Indonesian online civic space under siege](#)' (The Jakarta Post, 25 August 2020).
- 104 Sana Jaffrey, '[Civic structures and uncivil demands in Indonesia](#)' (New Mandala, 23 April 2018).
- 105 Antara News, '[Mendagri, radikalisme perlu dideteksi mulai dari RT/RW](#)' (Antara News, 6 November 2017).
- 106 Jaffrey (n104).
- 107 Hermawan (n103).
- 108 Malapit (n55).
- 109 Amnesty International Indonesia, '[Indonesia: Amendment of the Mass Organizations Law expands threats to the freedom of association](#)' (Amnesty International, 12 July 2017).
- 110 Kate Lamb, '[Jakarta court rejects attempt by Hizb ut-Tahrir to reverse its ban](#)' (The Guardian, 7 May 2018).
- 111 Malapit (n55).



- 112 Ricky Alif Alvian, [‘Reconfiguring Jokowi’s partnership with NU and Muhammadiyah’](#) (East Asia Forum, 19 November 2020); Diana Mariska, [‘Islamic Groups back Gov’t Efforts to Contain Caliphate’](#) (Jakarta Globe, 3 January 2020).
- 113 Human Rights Council (n94) , paras. 6, 10.
- 114 Anjani, Azhar and Fahmi (n7).
- 115 James Gomez and Robin Ramcharan, [‘COVID-19 shrinks civic space in Southeast Asia’](#) (The Jakarta Post, 25 April 2020).
- 116 Associated Press in Jakarta, [‘Indonesian students clash with police in protests over new law’](#) (The Guardian, 30 September 2019); Niniek Karmini, [‘Indonesian Muslims Protest China’s Uyghur Abuses’](#) (The Diplomat, 28 December 2019); Amnesty International Indonesia, [‘Indonesia: Papuan protestors shot, beaten and racially abused by security forces – new research’](#) (Amnesty International, 20 August 2021).
- 117 Human Rights Council (n84), para. 55.
- 118 Global Witness (n90).
- 119 Hans Nicholas Jong, [‘Activists take Indonesia’s mining law to court, but don’t expect much’](#) (Mongabay, 7 July 2021); Environmental Justice Atlas, [‘Karonsi’e Dongi people and Vale mine in Sorowako, Sulawesi, Indonesia’](#) (Environmental Justice Atlas, 16 August 2019).
- 120 White et al (n101).
- 121 Human Rights Watch, [‘Too High a Price: The Human Rights Cost of the Indonesian Military’s Economic Activities’](#) (June 2006), pp. 26-79, 122-127.
- 122 Human Rights Watch, [‘Indonesia: Events of 2019’](#) (Human Rights Watch); Komnas HAM and ELSAM, [‘Rencana Aksi Nasional Bisnis Dan Hak Asasi Manusia’](#) (May 2017).
- 123 ELSAM, [‘Business-related human rights violations continue unabated in Indonesia without implementation of the UNGPs’](#) (ELSAM, 24 August 2020).
- 124 Fitriani, Alif Satria, Pricilia Putri Nirmala Sari and Rebekha Adriana, [‘The Current State of Terrorism in Indonesia: Vulnerable Groups, Networks, and Responses’](#), CSIL Working Paper Series WSPOL - 02/2018 (Center for Strategic and International Studies, 2018).
- 125 Gerry Moriarty, [‘Internment explained: When was it introduced and why?’](#) (The Irish Times, 9 August 2019); JUSTICE, [‘Pre-charge detention in terrorism cases’](#) (JUSTICE).
- 126 Rights and Security International, [‘Europe’s Guantanamo: The indefinite detention of European women and children in North East Syria’](#) (2021); Greta Schumacher, [‘The Shamima Begum Decision: What Could it Mean for Other ISIS Women and Children Unable to Repatriate?’](#) (Rights and Security International, 3 August 2020).
- 127 Rights Watch (UK), [‘Preventing Education? Human Rights and UK Counter-Terrorism Policy in Schools’](#) (July 2016).



First published in 2021  
by Rights and Security International  
4/4a Bloomsbury Square

London  
WC1A 2RP  
United Kingdom

[www.rightsandsecurity.org](http://www.rightsandsecurity.org)

© Rights and Security International Publications 2021 Original  
Language: English

All rights reserved. This publication is copyright,  
but may be reproduced by any method without fee  
for advocacy, campaigning and teaching purposes,  
but not for resale. The copyright holders request  
that all such use be registered with them for impact assessment  
purposes. For copying in any other circumstances, or for reuse  
in other publications, or for translation or adaptation, prior  
written permission must be obtained from the publishers,  
and a fee may be payable. To request permission,  
or for any other inquiries, please contact  
[info@rightsandsecurity.org](mailto:info@rightsandsecurity.org)

Cover photo: Flag of Indonesia  
Source: Wikipedia Commons

Report design by Susak Press  
[daniel@susakpress.com](mailto:daniel@susakpress.com)

Visit us at [www.rightsandsecurity.org](http://www.rightsandsecurity.org)  
and follow our work on Twitter @rightssecurity

