

HUMAN RIGHTS FROM BELOW :
REPORT REPORT FROM LBH OFFICES
ON CIVIL AND POLITICAL RIGHTS VIOLATION
DURING THE YEAR 2002

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Introduction: Human Rights in the Context of Post-Authoritarianism Politics

I. 1. Forewords

This report represents the reports of Legal Aid Institutes in 11 provinces in Indonesia where the Indonesian Legal Aid Foundation (YLBHI) has branches. The entire parts of this report are based on cases handled by those Legal Aid Institute, complaints filed by people to the Legal Aid Institutes, results of investigation as well as analysis on various incidents that were not handled directly, in cooperation with mass media and other NGOs. This report focuses on violation of civil and political rights, committed by State or Non-State perpetrators.

I. 2. Post—Authoritarianism Politics: The Dispersion of Human Rights Violators

If we carefully study the report prepared by YLBHI and its branches, we will get a clear picture that there have been significant shifts in viewing the perpetrators of human rights violation or various violence occurring following Soeharto's downfall. What is generally referred to as *post-authoritarianism politics* has not only resulted in bias in seeing human rights violators, but has also created and filled 'empty spaces' in the discourse of human rights.

First, the unique characteristic of the aforementioned significant shifts in seeing the violators of civil and political rights is the change of method applied by state perpetrators who have transformed themselves, from indirect violation actions that was commonly used during Soeharto's time to indirect violation actions, namely by giving large opportunities for the occurrence of communal violence in several regions in Indonesia. Such 'indirect actions' can be found in several communal conflicts and riots, namely by letting various intimidations committed by a certain group against other groups, by taking no action in response to mass human slaughter (as indicated in Maluku, Poso, and East Timor), and by providing supports (in the form of weapons as happened in Maluku, Poso and East Timor) to one of the conflicting groups or even both.

Second, such significant shift from direct violations to indirect violations resulted in new actors who are actually the products of the opportunities created by the post-authoritarianism politics, or the shift from passive actors to active actors. The dispersion from traditional state actors (military, police, bureaucrats) the new actors occurred in line with the strengthening of political groups following Soeharto's downfall. Those new actors emerged in the form of Task Force (Satgas) belonging to Political Parties (Satgas PDI Perjuangan, Satgas PPP, Satgas Golkar, etc.), religious paramilitary groups (Front Pembela Islam (Islamic Defender Front), Laskar Jundullah, Laskar Jihad, etc.), new community organizations affiliated to certain political parties (BMI, Brigas), or old community organizations which in the pattern of post-authoritarianism politics take more active stance (GP Anshor, Pemuda Muhammadiyah, etc.) and during the New Order era did not have any opportunity and power to articulate their political interests. These new actors are involved in various violent actions that can be categorized as human rights violations with the protection and support from the political parties to which they are affiliated or supported by state defense and security institutions (police/military). Another form is the actions of bureaucratic institutions which were more active in producing

various policies that conflict with the principles of human rights protection, such as DPR (central legislative assembly), DPRD Tk. I (provincial legislative assembly), DPRD Tk. II (district-level legislative assembly), Regents, Camat (Sub-district heads), etc., who during the authoritarian ear of the New Order took more passive stance and now has become more active in articulating their economic and political interests by making various policies or mass conscription and intimidation in local political chess (election of Governor, Regent, Head of DPRD I/II, Sub-district Head, Village Head, etc.).

Other major non-state actors are companies engaging in mining, property (houses, office), plantation, etc. During the last few years, numerous arsons have been committed by developers in areas targeted for their development sites, in addition to efforts to buy land. These actions were not commonplace during the New Order reign, because state apparatus (military, police, bureaucrats) would take direct actions in acquiring the land or evicting people living in certain locations. But this pattern has been replaced by direct actions taken by developers, with protection from state apparatus by not taking any serious follow up action or investigation on the perpetrators of arson or vandalism committed to intimidate people.

Third, the increase of armed conflicts in several regions since Soeharto's downfall, such as in Aceh, Papua, Maluku and Poso, has give birth to armed groups in addition to the state apparatuses, committing various violations of human rights against unarmed civilians. The conflict areas can be divided into two categories: *First*, areas of conflict based on separatism. In these conflict areas, armed contact between armed groups and Indonesian military/police are rampant. In Aceh, there is an armed group named GAM (Free Aceh Movement) and in Papua the armed group is called OPM (Free Papua Organization). Armed conflict in these areas took large number civilian victims (as presented in table 1 in columns Aceh and Papua). *Second*, areas of conflict based on communal conflict. These areas of conflict include Poso and Maluku. There, the conflicting civilian groups used home-made guns or official guns (the ammunitions of which were provided military/police), and took large number of civilian victims having no direct relation to the conflicts. In these conflict areas, attacks by a group to another group were rampant with the connivance or, in several cases, support of the police/military.

Fourth is the way the ruling government sees the 'empty spaces' in the discourse of human rights which is deconstructed from the discourse constructed by Soeharto's regime. The empty space created by the New Order was in the form of the absence of legal basis for political actions aimed at protecting its power, even if those actions breached or violated civil and political rights of the people. Such 'empty space' was well filled by the regimes after Soeharto, with legal instruments aimed at providing protection for human rights such as Law No.39/1998 on Human Rights and National Commission on Human Rights (despite the flaws and loopholes that can be used for protecting human rights violators and impunity) as well as human rights court, while on the other hands regulations were also made to provide grounds for the state to commit gross human rights violations, such as State Defense Law, Anti-terrorism Law, Darft Law on Indonesian Military, Draft Law on Intelligence Services, Draft Law on PPK/PPI (Labors).

I. 3. Efforts For The Promotion and Protection of Human Rights: Rhetoric and Reality

The constellation of post-authoritarianism politics generally opens many spaces, not only those supporting the democratisation process and promotion of human rights protection, such as freedom of the press, independence of legislative body from executive power, but also provides large spaces for the growth of new models and new actors of human rights violations. In addition, the existing judicial system has not been able to leave the 'cage' of authoritarianism politics, so that it is still in a framework lead by the executive branch of power. Various decisions made by the judicial bodies still provide room for impunity, and human rights violations continue to exist.

Reports on the violation of civil and political rights during the year 2002 recorded by Legal Aid Institute provide clear picture of the rhetoric of Indonesian government and other state's high institutions (executive, legislative and judicial bodies) regarding efforts for the protection and promotion of human rights. In general, the cases related to the ad hoc human rights court for East Timor cases, in addition to state violence in several regions recorded in this document, are clear examples that there is no single case undergoing further process. If the case is followed up by legal proceeding, it does not meet the standards of justice, including the Indonesian Criminal Code (KUHP). For example, in the murder case of the Chairperson of the Papua Council Presidium, Theys Eluay, which was handled by LBH Papua, the perpetrators were only subjected to imprisonment for 1-3 years (and some of them in fact were not discharged from their military services).

The political reality of Indonesian law confirms the legal rhetoric of the state's highest institution (MPR) and high institutions (the President, Parliament, Supreme Court) that always argue about the importance of human rights protection and promotion – in this case by making Law No.39 on Human Rights and National Commission on Human Rights, placing the National Commission on Human Rights as an independent body, establishing an ad hoc human rights court for East Timor cases, etc. – but continuously make breaches in the implementation of such policies, so as to make it relevant to label their actions as mere rhetorical actions and policies.

In reality, the policies made by Indonesian Government (either in the form of laws, government regulations at the central, provincial and local level) still provide large opportunities for the occurrence of human rights violations and at the same time the provide protection for the violators, and the implementation of the government's policies still indicates gross violation of human rights, while the state's apparatus as the dominant actors of human rights violation are still clearly recorded in this report.

Therefore, it is important to continuously carry on campaign against the policies of the government and legislative bodies that lead to the restriction and impediment to the efforts for the protection and promotion of human rights, either through formal paths (such as judicial review) or informal paths by combining all elements of the community to continuously maintain social order and democratic economy and politics, as the means for assuring human rights.

Analysis on Civil and Political Rights Violation

II. 1. Impacts of Violence by the State and Non-State Actors

II. 1. 1. Facts

II.1.1.1. Number of Case

In 11 provinces (Aceh, Padang, Palembang, Lampung, Surabaya, Makassar, Manado, Papua, Bali, Jogja and Semarang), there were 48 murder cases, 87 cases of police abuse/arbitrary arrest, 6 cases related to Government Regulation on Anti-terrorism, 3 cases of capital punishment, 1 case of refugee, but there was no case of Impunity (matrix I).

II.1.1.2. Number of Victims

In 11 provinces (Aceh, Padang, Palembang, Lampung, Surabaya, Makassar, Manado, Papua, Bali, Semarang and Jogja) there were 351 victims of murder, 238 victims of police abuse/arbitrary arrest, 10 victims of Government Regulation on Anti-terrorism, 4 victims of capital punishment, 60 refugees, but there was no victim of Impunity (matrix III).

II.1.1.3. Number of Perpetrator

- State: the actors among others were:
 - 1) Police, including: police forces at central, regional and local levels, as well as *Dalmas* and *Brimob* units;
 - 2) Indonesian Army, including: military commands at regional and local levels as well as *Kopasus* and *Zipur* units;
 - 3) Indonesian Navy, including: marines corps;
 - 4) Bureaucrats, including: District Court, Local Government (Regent), and the President.

Total:

1. Police : 24 cases
2. Military : 10 cases
3. Civilian : 5 cases

- Non-State (Private Parties): PT AMS, specifically related to refugees (see Table)

II. 1.2. Analysis on Facts

II. 1.2.1. Banda Aceh Legal Aid Institute

II.1.2.1.1. Let the Data Talk

It has become an annual ritual for LBH Banda Aceh to give a report to the public on the cases of violence occurring in Aceh. Violence continuously occurs in Aceh, as if its is the region's trademark, The 26-year conflict between the Republic of Indonesia and GAM has took huge number of civilian victims.

The peace talk held in Geneva, which was facilitated by the Hendri Dunant Centre (HDC) has yet to cease violence to civilians occurring in the region, both by the Republic of Indonesia and GAM.

II.1.2.1.2. Physical Abuses and Arbitrary Detention

Statistically, physical abuse and arbitrary arrest were the dominant cases and Indonesian Military and Police were the major actors. Accusation as members of the Free Aceh Movement is the justification for the security apparatus to arrest people, which is often followed by physical abuse. There is no protection given to the victims until a court decision is passed stipulating whether or not they are involved in that organization. Ironically, laws do not have proper place in Aceh, and with the reason of security stability and creation of conducive situation legal instruments have been bypassed by the security apparatus. **It is as if that the Military and the Police have acquired a legitimisation** to perform such violence actions and it seems that those violence actions are protected by the state, because thus far none of the military officers involved in violence actions in Aceh have been brought before the court of justice, especially human rights court.

50 victims is not a final figure, but there might be more victims that are not recorded. In addition to the ineffective law enforcement, we must also consider the fact that the security apparatus deployed in the region are those of combat qualifications, such as *BRIMOB, Kostrad, Kopassus, Paskhas* and *Marinir*.

According to the place, North Aceh is on the top of the list with regard to the number of cases of arbitrary arrest and physical abuse with 13 cases. North Aceh is indeed special because there are vital projects there, such as fertilizer factory, natural gas mine, and facilities belonging to ExxonMobil. Almost half of the military forces are deployed in North Aceh for securing those vital projects and the operational command centre (Koops TNI) is located in Lhokseumawe, North Aceh, and the new commander of GAM also resides in the region.

The next on the list is Bireun Regency with 10 cases. Bireun Regency directly borders on North Aceh Regency, in which there is a quite large concentration of Indonesian military units, followed by Pidie with 7 cases, Aceh Besar with 7 cases, East Aceh with 6 cases, South Aceh with 4 cases, West Aceh with 3 cases, and Singkil with 1 case.

II.1.2.1.3. Murder/Extra Judicial Killing

There were 20 murder cases occurring as the consequence of the protracted conflict in Aceh. North Aceh regency is on the top of the list with 7 cases, followed by West Aceh 4, East Aceh 4, Aceh Pidie 3, South Aceh 2, Aceh Besar and Bireun 1. Once again, those figures are not final. There are more cases that are not recorded by LBH Banda Aceh. The murders were committed by TNI/POLRI or GAM, in addition to some unknown perpetrators. There is no institution willing to claim responsible for the murders when the actual perpetrators are found. Based on investigations, Indonesian Military/Police still on the top of the list of violence perpetrators, and their classic reason is that the victims are involved in the Free Aceh Movement.

Judicial bodies that are expected to prove the accusation made by Indonesian military have thus far failed to assume their functions in Aceh. Out of 14 District Courts, only 7 are actively functioning and they are located in relatively safe regions such as Sabang, Banda Aceh, Langsa, Kuala Simpang, Singkil, Kutacane and Takengon, while regions having high level of violence do not have District Courts. As the consequence, the Police often act as single fighter, acting as the investigator, prosecutor as well as judge. The National Commission on Human Rights that is legislatively authorized to investigate gross violations of human rights has thus far failed to seriously investigate gross violations of human rights in Aceh. None of the cases that have acquired strong evidence has been brought before human right court. Consequently, the security apparatus obtains justification for conducting violence actions in Aceh.

II.1.2.2. Papua Legal Aid Institute

II.1.2.2.1. Physical Abuses and Arbitrary Detention

The current political condition in Papua following the application of Special Autonomy (Law No.21/2001) seems to fail to eliminate the anxiety among the local people and fulfill the people's need for security. Crimes and police response in respect of arbitrary arrest, detention and physical abuse in Papua, especially in Jayapura Municipality and Regency have reached a disturbing level. The cases of arbitrary arrest, detention and physical abuse handled by LBH Papua during the year 2002 amounted to 11 (eleven) cases, the perpetrators of which were indicated to be civilians, army officers from Kopassus unit (Satgas Cenderawasih) and police officers from Sentani Police Precinct and Jayapura Police Resort.

Violence reflected in the implementation of duties by Satgas Cenderawasih is still an inseparable part of the military operations having their specific characteristics in Papua. Police officers in Jayapura Police Resort and Sentani Police Precinct still apply and are indoctrinated by military practices, so that in the investigation process, people has been accustomed to the jargon "arrest first, get the confession, all means are applicable in getting confession", as stated by Yahya Harahap in his book, *The Application of KUHAP*.

The Regional Police of Papua should have been more active in taking firm measures on its staff committing arbitrary arrest, because violent practices in investigation are not in compliance with the Code of Criminal Procedure (KUHAP) and therefore, they violate human rights. In fact, the Regional Police of Papua has launched community policing program in providing public services.

Physical abuses committed include hitting a person with a cudgel or rifle butt/gun, kicking with boots, putting blindfold on a person before putting him in a malodorous ditch. Those treatments are often given to suspects, while abusive words, threat or intimidation are not something new for them. Suspects are usually picked up without any order or warrant as required by KUHAP. The warrant would not be given despite the fact that the suspects have been detained for two days or more, let alone notification to family members. The police argue that such letters can be given and entrusted to neighborhood chief to be forwarded to the suspects' family

Efforts made by LBH Papua in response to those military actions are, among others, filing protest to the Regional Military Commander and making complaint to the Military Police of XVII/Trikora Military Command regarding the case of Dandi Prasojo, the suspects of which are army officers from *Kopassus* unit. With regard to suspects who are members of the Police, we sent an open letter and protest to the Chief of Papua Regional Police and filing complaint to the Provoost of Papua Regional Police, as well as submitting request for pre-trial hearing to Jayapura District Court, like we did in the case of Denny Elokperre against Sentani Police Precinct and the case of Endy Suparman against Jayapura Police Report. These efforts of course did not guarantee the granting of the pre-trial hearing request and make the armed officials realize of what they have done. But seen from the aspect of law enforcement, those efforts represent our commitment in establishing legal certainty, democracy and human rights.

II.1.2.3 Palembang Legal Aid Institute

The condition of civil and political rights in South Sumatera Province following the application of Regional Autonomy is not much different from the condition during the administration of the New Order regime, in fact it is worse. Legitimization of power and legal rules have become a daunting specter for the victims of violation of civil and political rights.

For example, an urgent case was handled by LBH Palembang, namely Capital Punishment on 2 (two) defendants namely Jurit bin Abdullah and Ibrahim from Sekayu Regency, South Sumatera. The 2 defendants filed application for the President's pardon, but it was refused. This is very ironic, because none of the gross human rights violations either by the Military forces or the Police has been brought to the court of justice.

Not to mention the physical abuse suffered by the two persons during investigation and detention in the Headquarters of South Sumatera Regional Police. They were intimidated and tormented by policemen, as evidenced by their testimony and bruises on their bodies. When they honestly and with good faith admitted that they had committed manslaughter for self-defense (before they were sentenced with death penalty) and they even voluntarily surrendered to the local police precinct, they did not get any sympathy. Their hope for justice vanished in the thin air.

The two persons have been waiting for 6 years (since 1997) since Sekayu District Court, South Sumatera, passed its decision on death penalty. This case reflects the bad condition of law enforcement in Indonesia, as it was examined by two different district courts (Sekayu District Court and Palembang District Court) with two different decisions, namely capital punishment by Sekayu District Court and life imprisonment by Palembang District Court. Therefore, we continuously urge the law enforcement apparatus (the Supreme Court) to show consideration for and respect human life that is protected by human rights, especially in the case of capital punishment.

II.1.2.4 Makassar Legal Aid Institute

During the year 2002, there were 9 cases of human rights violation in Makassar, 8 cases of physical abuse and 1 victim of Government Regulation on Anti-terrorism, but there was not any case of impunity and capital punishment.

Most of murder cases were committed by the police, and generally the victims were accused as criminals. In the process, the victims were accused of trying to escape or resist the arrest so that they were executed and died. In addition to such modus operandi, the victims often physically abused to death in prison.

In addition to murder, another violation that was often committed was physical abuse. In this case, gunshots were often used during an arrest and the victims were often dead on site.

In respect of victims of the application of Government Regulation on Anti-terrorism, the victim was a relative of Agung Hamid, who has been accused as the mastermind of the bombing at Mall Ratu Indah (MARI), belonging to the Minister of Trade, Yusuf Kalla, located on Jln. Ratulangi. In this case, the victim was accused of keeping explosives, but according to investigators the victim was held in custody in order to persuade Agung Hamid to surrender himself.

With regard to the aforementioned cases, Makassar Legal Aid Agency has made various efforts so that the policemen committing murder or physical abuse are brought to the court of justice and these efforts have not been successful, while the punishment given was often in the form of administrative sanctions. In such condition, impunity actually exists but it is difficult to be identified.

Based on information obtained from various sources, the police has been implementing a policy that on-site-execution should be conducted in handling criminal suspects with due observance of the crime classification.

II.1.2.5. Yogyakarta Legal Aid Institute

II.1.2.5.1. Victims of Government Regulation on Anti-terrorism (Perppu No.1/2002)

This precipitated Government Regulation was the consequence of the Government's resentment following the bombings in Sari, Legian, Bali. The Government Regulation in Lieu of Law Number 1 of 2003 was a product of pressure from international community who has successfully suggested the existence of terrorism in Indonesia. Some people consider this Government Regulation as a transformation of the Anti-Subversion Law used by the New Order regime to "clampdown" their political opponents. The problem now is that this Government Regulation is often misused by the government to take harsh measures on people in the absence of clear rules. This has resulted in many cases harmful to the public, such as physical abuse, misdirected arrest and arbitrary actions by the law enforcement apparatus. Those incidents were found and reported by community members to Yogyakarta Legal Aid Agency.

II.1.2.6. Surabaya Legal Aid Institute

Murder of civilians still persists in East Java and was committed to farmers who were trying to fulfill their economic right, namely the right to live, by taking back their access to productive land. There were also murders of blue-collar workers who were demanding

for improvement of their access to economy in the form of wage raise, and improvement of social security system. Those actions can be categorized as gross violation of human rights: namely causing the loss of other people life. However, the perpetrators of such human rights violation were never brought to the court of justice. There was also physical abuse against farmers who were demanding for their rights on their ancestors land. Land reform and agrarian reform also contributed to primary and secondary violation of human rights, in addition to disputes between workers and employers, both in formal and informal sectors. The retroactive principle also victimized civilians who were suspected of committing acts of terrorism, whereas in fact the scope and the applicability period of the government regulation exceed the time of the acts of terrorism. Impunity for law enforcement apparatus from the police force or military still dominated violation of human rights in East Java because some violations were not properly responded in accordance with the level of the human rights violations. Such connivance will surely cause other violation of human rights in any form in the future, because there is no preventive or punitive action.

II.1.2.7. Bali Legal Aid Institute

II.1.2.7.1. Victim of Government Regulation on Anti-Terrorism (Perppu No.1/2002)

The implementation of Government Regulation Number 1 of 2002 concerning “Eradication of Criminal Acts of Terrorism” after the Bali bombings causing the death of 200 people, has took victims. The Government Regulation, which is not retroactive, is bypassed by Mega’s administration by issuing Government Regulation No. 2 of 2002 concerning “the Applicability of Government Regulation No. 1 of 2002 for the Bali bombings case”.

For example is the case happening to Mister Jana, an entrepreneur, residing in Seminyak Village, Kuta Sub-district, Badung Regency. Mister Jana himself and his two sons had to spend their time in the interrogation room of Bali Regional Police, without any certainty of their status, for a week. This arrest seemed odd because the person arrested was the owner, not the person managing the car rental to whom the car was leased, and only male family members were arrested while female family members, the wife, daughter and daughter in law, were not arrested.

According to Mister Jana, not long after the bomb blast, some detectives came to him several times telling him that they found bomb residue on the back seat of his rented Kijang minibus, which was similar to bomb residue found around the location. But when asked to present samples of the bomb residue, the police failed to do so.

During the time in the interrogation room of Bali Regional Police, he was not allowed to go anywhere, he was not interrogated and his family was not allowed to visit him. On the fourth day, when the family was accompanied by the staff of Bali Legal Aid Agency, the Police allowed Mister Jana’s family to visit him.

This is clearly an arbitrary action in implementing the Government Regulation, because the police did not have sufficient preliminary evidence and did not give the opportunity to the suspects to meet their family. This an example of the impact of the Government Regulation, which in the future might diminish human rights protection for suspects.

II.1.2.7.2 Refugees/IDPs (Internal Dis-placements)

During the year 2002, there was only one case of refugee handled by LBH Bali, namely the case of 42 farmers. They were participants of Oil Palm PIR (Community-based Plantation) from Bali and placed in SP VII, Kendangan Sub-district, Ketapang Regency, West Kalimantan. Before their departure, they were promised to have a house and a plot of residential land, oil palm plantation under PIR Scheme. In addition, while their plantations were not yet productive, they would be employed by PT AMS (Antar Mustika Segara) by receiving salaries in the amount of the applicable regional minimum wage.

But when they arrived at the location, the condition was not as promised. The promised cultivated land were not given and in fact the land planned to be given to them were given to other transmigrants. Therefore, in order to survive they had to work outside the main plantation and they were then considered by PT AMS as dissenters and not acknowledged as its workers.

They had once tried to sue PT AMS, but they were confronted by the local customs. This made them lose their courage to file another suit. Besides, they had reported their condition to West Kalimantan Regional Legislative Assembly, West Kalimantan Transmigration Service Office and West Kalimantan Regional Government. After staying there for three years, they finally returned to their homeland in chapters.

The most poignant thing was that when the first chapter arrived in Bali, they were not acknowledged as transmigrants by the Bali Transmigration Service Office. They argued that it was their own fault for leaving the location. This indicated that the Bali Transmigration Service Office tried to evade the responsibility. The same thing was almost experienced by the second chapter but as they could present a letter from the West Kalimantan Transmigration Service Office they were acknowledged as transmigrants. Up to this moment, their status remains unclear and it is also unclear who should be responsible for such condition. Temporarily, the transmigrants are living in Transito Boarding House belonging to the Bali Transmigration Service Office, while the rest of them live in kampongs with their relatives.

II.1.2.8. Padang Legal Aid Institute

During the year 2002, there was one case handled by Padang Legal Aid Agency in relation to violation of Civil and Political Rights. However, there were many violations of civil and political rights in West Sumatera Barat that were reported in mass media but not reported to us (dark number).

The only case of civil and political rights violation handled by Padang Legal Aid Agency was very significant as it was related to the application of Government Regulation on Anti-Terrorism, in which several fishermen having no tendency of becoming terrorists were accused of committing criminal act of terrorism.

Nagari Aia Bangih located in Sungai Beremas Sub-district, Pasaman Regency, has a population of 10,000 people who are mostly fishermen. Nagari Air Bangis borders on Nagari Ujung Gading in Lembah Malintang Sub-district, Pasaman. Regency. To get to

Nagari Air Bangis from Nagari Ujung Gading, we have to take rural transportation named "PO Mitra Kencana", which is mostly owned by residents of Nagari Ujung Gading.

Because the fishermen residing in Nagari Air Bangis were suffering from fish scarcity, they then developed an alternative transportation called motor-pedicab. As the result, there was a competition between PO. Mitra Kencana and the motor-pedicabs. The Elders of Nagari Air Bangis and the management of PO Mitra Kencana tried to take persuasive measure to settle the completion, namely by setting limits for the operational areas of both vehicles. But this measure failed to avoid conflict.

On January 15, 2003, several residents of Nagari Ujung Gading launched an attack to Nagari Air Bangis. The incident caused the death of five people and one victim in critical condition. After that, the situation was heated. Then the residents of Nagari Aia Bangih established guard posts on the border between the village and nagari Ujuang Gadiang. On January 18, 2003, there was an attack of homemade bomb badly injuring two policemen.

After the attack and the homemade bomb attack, a number of residents of Nagari Air Bangis were held in custody by Simpang Empat Police Resort. They were charged with Government Regulation No.1/2002 concerning Criminal Acts of Terrorism.

II.1.2.9. Semarang Legal Aid Institute

II.1.2.9.1. Physical Abuse

Time keeps on moving. The year 2002 has been left in memory, even though there were deep wounds caused by the political and legal systems which were not in favour of the people. Such wounds were shared among others by Mat Duwoh. Mat Duwoh was a person who was killed by police officers when he was locked up in jail. Mat Duwoh was known as a thug in his village, Tambak Lorok, Semarang. Without any clear reason, Sueb, Mat Duwoh's brother, was beat up by a member of *Brimob*, the police elite unit, who lived not far from his house. The scars can still be seen now.

In the effort to seek for justice, which was assisted by a team of lawyers from LBH Semarang, justice appeared almost like an illusion. The member of *Brimob* tried to escape from his responsibility and his unit assisted him. Up until this moment, the effort to seek for justice is still continued, and the search for the perpetrator will not be ceased.

Arbitrary treatment was also received by farmers who were fighting for their rights. One of them was Satimin, from Kendal. When he was picking coffee beans left after the harvest by the plantation management, which is allowed based on mutual agreement, the police arrested him unreasonably. The charges on him were also contradictory to the facts. He picked not more than one sack of coffee beans, but he was accused of picking more than that. Criminalization of farmers who are trying to fight for their rights on land is often conducted. Satimin was an example.

Handling Cases

III. 1. Efforts (Advocation)

- Non-litigation (Legal Assistance, Actions, Press Conferences, Seminars, Dialog/Hearing, as well as local, national and international campaign).
- Litigation (Judicial review, Pre-trial Hearing and Legal Proceedings)

III. 2. Obstacles

- The perpetrators of crimes against humanity have never been legally processed (Impunity);
- Law on Indonesian Police Force does not support proceedings in General Judicature (its subordinated regulations);
- Lack of legal understanding by law enforcement apparatus;
- Geographical location; some of the conflict areas are beyond the reach of Legal Aid Workers;
- The community is not responsive toward the problems;
- Weak network (with the press and NGOs);
- Trengthening role of the military in state administration;
- New laws provide protection for the military (such as Anti-terrorism Law)

III. 3. Targets

- Campaign of cases related to human rights violation at local, national and international levels;
- Legal representation of the victims of human rights violations;
- Establishment of public awareness to fight for their rights that have been taken away by the state.

Recommendation

1. Urging the Government of the Republic of Indonesia to immediately invite special rapporteur on torture;
2. Demanding the Government of the Republic of Indonesia to revoke all policies putting forward militaristic approach;
3. Urging the Government of the Republic of Indonesia to immediately bring actors of gross human rights violations before the court of justice;
4. Demanding the Government of the Republic of Indonesia to immediately ratify ICCPR, ICESCR and the Rome Statute.

APPENDIX 1

**MATRIX 1
TABULATION OF VIOLATIONS OF CIVIL AND POLITICAL RIGHTS**

Number of Case During the Year 2002 up to Present

No	Legal Institute	Aid	Types of Violation				
			Murder	Physical Abuse/Arbitrary Arrest	Victim of GR on Anti Terrorism	Death Penalty	Refugee
1	Aceh		20	50	-	-	-
2	Padang		-	-	1	-	-
3	Palembang		-	1	-	1	-
4	Lampung		1	3	-	-	-
5	Yogyakarta		2	2	2	-	-
6	Surabaya		5	4	1	2	-
7	Bali		-	2	1	-	1
8	Makassar		9	8	1	-	-
9	Manado		3	4	-	-	-
10	Papua		7	11	-	-	-
11	Semarang		1	2	-	-	-
	Total		48	87	6	3	1

**MATRIX 2
TABULATION OF CIVIL AND POLITICAL RIGHTS**

Number of Victims (Persons) during 2002 up to Present

No	Legal Institute	Aid	Types of Violation				
			Murder / Extra Judicial Killing	Physical Abuse / Arbitrary Arrest	Victim of GR on Anti Terrorism	Death Penalty	Refugee
1	Aceh		43	185	-	-	-
2	Padang		-	-	2	-	-
3	Palembang		-	2	-	2	-
4	Lampung		280	4	2	-	-
5	Yogyakarta		2	20	3	-	-
6	Surabaya		5	4	3	2	-
7	Bali		-	10	1	-	60
8	Makassar		10	14	-	-	-
9	Manado		4	6	-	-	-
10	Papua		7	11	-	-	-
11	Semarang		1	3	-	-	-
	Total		351	238	10	4	60

MATRIX 3 TABULATION OF CIVIL AND POLITICAL RIGHTS VIOLATIONS

Categories of Actor During the Year 2002 up to Present

No	Legal Aid Institute	Types of Violation				
		Murder/Extra Judicial Killings	Physical Abuse/Arbitrary Arrest	Victim of Regulation on Anti Terrorism	Death Penalty	Refugee
1	Aceh	-Indonesian Military, Police, GAM, Unknown	Indonesian Military -Police -GAM -Unknown	-	-	-
2	Padang	-	-	Police	-	-
3	Palembang	Army, Police	Regent of MUBA	-	Sekayu District Court	-
4	Lampung	Army, Police, Garuda Hitam Military Resort, Sriwijaya Reg. Military Command	Police	-	-	-
5	Yogyakarta	Mass	Police	-	-	-
6	Surabaya	Brimob (Police), Police, Marines	Police	Police	President	-
7	Bali	-	Police, Military	Police	-	PT. AMS Kalbar Regional Govt Bali Regional Govt.
8	Makassar	Police	Military, Police	-	-	-
9	Manado	Minahasa Police Precinct	Police	-	-	-
10	Papua	Army/ Kopassus	Military, Police	-	-	-
11	Semarang	Brimob	Police, Brimob (Police)			