



**21st Regular Session of the UN Human Rights Council
Item 6: Universal Periodic Review (UPR) Plenary on Indonesia**

**Oral Statement Delivered by Ms. Giyoun Kim on Behalf of
Asian Forum for Human Rights and Development (FORUM-ASIA)**

Wednesday, 19 September 2012

Thank you, Madam President. FORUM-ASIA makes this statement in association with its member organisations in Indonesia: HRWG, Imparsial and KontraS.¹

We express our appreciation to the government of Indonesia for making available in advance their responses to the 36 pending recommendations (A/HRC/21/7/Add.1). While we welcome that in total 150 recommendations were accepted, we register our concern that those on the protection of human rights defenders did not enjoy the government's support (109.32-35). The explanation that the "current national laws and regulations as well as the general climate of openness... sufficiently provide such protection" is deeply troubling as human rights defenders in the country continue to face intimidation and reprisals. We are also dismayed that the government does not recognise the application of the indigenous peoples concept as defined in the UN Declaration on the Rights of Indigenous Peoples, as indigenous communities in Indonesia have experienced various forms of discrimination and exploitation of their lands and resources.

Madam President, we note that the government expressed during the UPR Working Group session on 23 May 2012 its commitment to ensure the freedom of religion for all including the Ahmadiyah. The accepted recommendations to hold law enforcement officials accountable and conduct human rights trainings (108.112) should be immediately implemented in response to the violent attacks against the followers of the religions that are not included in the Constitution².

Madam President, we appreciate that the government has accepted recommendations to amend the Criminal Code (108.30-31). However, it remains of concern that the draft amendments to the Criminal Code, still pending approval in Parliament since 2009, does not criminalise torture and we urge the government to ensure that the provisions of the Convention against Torture (CAT) are fully incorporated. We are further concerned that articles 106 and 110 in the Criminal Code on treason and "inciting hatred" have been used arbitrarily against peaceful political activists, including those from Papua.

Finally, Madam President, we remain disturbed over the unresolved cases of enforced disappearances from 1997-1998, while the government has yet to act upon the recommendations of Komnas-HAM and the Parliament. Furthermore, we are disappointed that the recommendation to tackle the climate of impunity in Papua was not accepted (109.24) on the grounds that it "does not reflect the actual situation in the province". Violations perpetrated by State security forces in Papua are ongoing, thus we resolutely maintain our call to reform the military courts to ensure their transparency, independence and impartiality as well as to provide civilian criminal court jurisdiction over military personnel responsible for offenses against civilians. Thank you, Madam President.

¹ 13th Session of the UPR Working Group, Joint Submission by the Civil Society Coalition for the Protection of Human Rights Defenders, http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ID/JS3_UPR_IDN_S13_2012_JointSubmission3_E.pdf

² FORUM-ASIA Press Release, "Indonesia: Lenient Sentences on Killings of Ahmadiyah Perpetuate Impunity", 3 August 2011, <http://www.forum-asia.org/?p=10821>