

Komnas HAM questions govt commitment to human rights

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The Jakarta Post/Jakarta

The National Commission on Human Rights (Komnas HAM) has declared 2019 a “gloomy” year for human rights as the sluggish handling of past violations has raised questions about the government’s commitment to resolving them.

The commission noted its frustration with the current back-and-forth with the Attorney General’s Office (AGO) after the latter returned preliminary investigation dossiers on the Paniai tragedy in Papua, reportedly citing administrative errors.

The case, widely referred to as the Bloody Paniai case, occurred when security forces opened fire at a crowd of demonstrators in Karel Gobay Field in Madi district, Paniai regency, in December 2014. The incident, which was declared a “gross human rights violation” by Komnas HAM in February of this year, claimed the lives of five students and left 21 other civilians injured.

The commission has written twice to President Joko “Jokowi” Widodo providing options for resolving past human rights abuses — to little effect, Komnas HAM commissioner Amiruddin Al Rahab said recently.

He said the Paniai incident presented an opportunity for the government to take a first step toward resolving past cases.

“The time span of the cases is long. We believe that the recent incidents could be solved first if there was the will to do so,” said Amiruddin.

“Komnas HAM has fulfilled all the material requirements necessary for an investigation, so it is up to the attorney general to use the human rights paradigm to solve these cases.”

According to Komnas HAM’s own records, at least 11 other cases of alleged gross human rights abuses have been left in abeyance since the commission submitted its dossiers to the AGO.

Among them are the Trisakti and Semanggi shootings in 1998 and 1999.

An expert at the Executive Office of the President, Donny Gahral Adian, urged the AGO to resolve the Paniai case as soon as possible, saying the government could not afford to have its commitment to human rights cast into doubt.

“In such a case as Paniai, the government urges the AGO to resolve it as quickly as possible so that [the facts become] clear and the victims

are afforded their rights,” he said.

“To be clear, [the government’s] commitment to upholding human rights cannot be doubted because the government wants rights to be respected, valued and upheld — in line with Pancasila.”

The commission has questioned the AGO’s insistence that it must provide complete evidence of its investigation into cases of human rights abuses. The commission says it is not legally allowed to do so.

Citing Law No. 26/200 on human rights courts, commissioner Munafrizal Manan has said that Komnas HAM is authorized only to conduct a preliminary investigation, which determines whether or not a case constitutes a violation.

The Paniai dossier has been returned twice to Komnas HAM, on March 19 and May 20, with the AGO arguing that the dossier had not satisfied requirements.

AGO spokesman Hari Setiyono denied Komnas HAM’s claim that it was reluctant to follow up on past human rights abuses, saying that the office had given clear instructions to the commission to be able to meet administrative requirements.

“The letter from the Attorney General as a *penyidik* [investigator] to the Komnas HAM’s *penyelidik* [examiner] is very clear on that. There is no reluctance on the government’s part, in this case the AGO, in processing this case,” Hari told *The Jakarta Post* via text message last week.

In its annual report, Komnas HAM said that 2019 was a “gloomy” year for human rights, noting that progress on the issue was sluggish as politics had taken center stage last year.

The commission highlighted several key events, including riots in Jakarta in May following protests over the result of the presidential election and another riot in September following mass protests against the House of Representatives’ plan to sign controversial bills into law.

“We all know that the situation is not conducive to human rights as there are many instances of hate speech, as well as the May riots,” said Amiruddin. “Those [riots] claimed people’s lives and still have not been properly investigated.”

Komnas HAM received 2,757 complaints from the public last year. The top four complaints were related to the right to welfare (1,119 complaints), the right to justice (888 complaints), the right to safety (130 complaints) and the right to life (93 complaints).