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“Human Rights Activism in Indonesia”: An Interview with Usman Hamid

Gloria Truly Estrelita and Gabriel Facal

Usman Hamid is the Executive Director of Amnesty International Indonesia and Executive Board of Transparency International Indonesia. He also serves as a lecturer at the Indonesia Jentera School of Law, Jakarta.

What Is the Role of Amnesty International in Southeast Asia—and More Particularly in Indonesia—to Defend Human Rights? What Have the Main Achievements of Amnesty Been During the Time that You Have Been Heading the Indonesian Branch?

Amnesty International was established in Indonesia in 2018 with the objective of leveraging Indonesian national human rights movement to the world politics of human rights. In recent years, there has been a global decline of

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human rights, indicated by the retreat of some champions of human rights such as the European Union, or the United States. One of the causes of this decline is what we call the rising politics of demonisation, in the form of divisive rhetoric across the globe: in Europe with Viktor Orbán, in America under Donald Trump, in the Asia Pacific with Narendra Modi, or in Southeast Asia with the populist politics of Rodrigo Duterte.

At the same time, Amnesty has seen the emergence of new players in world politics, represented by Indonesia, Brazil, or even India before Jair Bolsonaro and Narendra Modi came to power. In those countries, Amnesty used to play a role in what civil society called “boomerang theory”: you send a team of researchers to the ground in countries like Indonesia where human rights violations or abuses are taking place, and they then come back to headquarters in London, Brussels, Geneva, New York, or Washington D.C., for example, for advocacy meetings with global players at the UN or the WTO, or making use of the bilateral relationship between key governments such as US or UK and Indonesia, or the European Union and Indonesia, in order to put pressure on the Indonesian government to improve the human rights situation.

Now, you can no longer use this theory or no longer hope in the European Union, which is very busy with its own politics on economics and human rights issues, for instance, linked to immigration; not to mention the economic crisis faced by the UK, Greece, Italy, and so on. The United States had to face its internal dynamics with white supremacy or Islamophobia, racism, and discriminatory policies towards foreign citizens or people seeking refuge after 9/11. This has somehow provided less opportunities in D.C., New York, London, or even in Brussels for international organisations like Amnesty International. Therefore, we changed our strategy, we decided to move closer to the ground, and together with the grassroots movement, put pressure on the streets or have a conversation with the government, in the hope that such an approach would be more impactful both in terms of policy change and from a movement building perspective. Indeed, this was done with full awareness of potential risks to its staff and operation. But I do agree that we must take a risk as we are not left with many options in this changing global landscape.

This strategy has contributed to some small wins on the human rights front. Although in general there has been backlash against votes on civil liberties and political rights, Amnesty has managed to get at least 170 000 supporters on its activism and community organising database who are ready to take action online. Because of the pandemic, there has been some limitation. But we have been able to connect with the local human rights movement, the student movement, the labour movement, the indigenous rights movement, the indigenous Papuan movement, in order to articulate or to amplify their political rights interests, or their social rights issues in terms of land, economic freedom, right to justice, and so on. There was a time when as part of the broader social movement in general, we managed to block unjust laws to be adopted, such as the draft law for the penal code in 2019—the law contained many dangerous articles on criminal defamation, insult, blasphemy, treason,

and too many others that threaten freedom of expression. We also managed to have a female school teacher released, who was sexually harassed by her school principal and then imprisoned and fined. She was then granted amnesty and is a free woman with dignity now.

In 2018, just in the first year that Amnesty settled in Indonesia, we launched a report on 69 cases of unlawful killings in Papua. We managed to present the report to President Widodo, during an official hearing at the House of Representatives, and before high-level officials such as the Coordinating Minister for Political, Legal and Security Affairs, the Minister of State Secretary, the Minister of Foreign Affairs, the Cabinet Secretary, and others. The same goes for the last report of Amnesty on Papua, titled “*Gold Rush*”: *Indonesian Mining Plans Risk Fueling Abuses in Papua*, which regards the gold mining plans in an area called Wabu Block, one of the Papua regencies in Intan Jaya, the province of Papua. It again highlighted unlawful killings, discriminatory treatments, and other rights violations mentioned in the first report. One of the small wins from the follow-up meetings with the government, we agreed to at least start with the unlawful killing of teenagers taking place in Paniai in central Papua, a few months after Jokowi came to presidential office. At the moment, this is the only major human rights abuse that is currently being prepared for human rights trial. It is unfortunately located in Makassar, South Sulawesi, far from the hometown of the families of the victims of the bloody tragedy.

What Are the Main Challenges to Human Rights in Southeast Asia and How Are They Addressed by the Amnesty Regional Offices?

In Southeast Asia, we can see some progress in some areas of human rights. Malaysia is moving towards the abolition of the death penalty and Indonesia is moving towards a moratorium of the death penalty. In other countries it is difficult to see any progress. One of the main challenges is the authoritarian nature of Southeast Asian governments. In Myanmar, for example, there has been another coup. Cambodia has seen no progress in terms of the release of political opposition activists, fair elections, or accountability for abuses. In Vietnam or even Singapore, it's hard to say there has been progress. Thailand was one of the promising countries in ASEAN. But now it's hard to say that this country is going towards a more democratic state, with another military coup, repeated coups, political manoeuvres by the military, not to mention a new NGO law being introduced in the country that places civil liberty under threat. Nevertheless, we still have a well-functioning [Amnesty International] office in Thailand, although it has been very tricky to deal with the local authorities, especially when it comes to our regional office. In the Philippines, despite the fact that Rodrigo Duterte's administration has been so brutally repressive, we managed to survive, although we have to mitigate it in the way that we communicated publicly so we could continue have our staff operate safely on the ground.

Despite this challenging atmosphere, we do have an office with strong presence in Malaysia, in Thailand, and in East Asia, such as in Japan and South

Korea. We used to have a quite powerful and strong presence in Hong Kong. But in recent years, there has been significant decline of democratic life after China brought in their policies. So, we regretfully had to close the regional office and the national office. In India, we used to have a very large team and effective presence on the ground. But the declining state of democracy has resulted in that Amnesty can no longer operate. So, these are offices already being shut down by the governments in the Asia Pacific.

What Cases Are the Main Concerns of Amnesty International in Indonesia?

Amnesty's office in Indonesia is a new baby born of the global Amnesty movement, with only five years of existence. Whereas in Thailand, the Philippines or Japan, we have been there for more than 50 years. Despite the fact that our national office in Indonesia is new, Amnesty has been keeping an eye on Indonesia for many decades at least since the mid-1960s when Indonesia entered a very dark period in history where millions of communists and leftists were extrajudicially, unlawfully, and arbitrarily killed in a massive pogrom. Not to mention how many of them were imprisoned without fair trial and discriminated by laws and various regulations. Amnesty has had much experience of addressing human rights concerns in East Timor, Aceh, and Papua. Given all the past experience, we decided to have at least eight to nine priorities for the human rights agenda in Indonesia. Number one is Papua, where the situation has worsened in the last three to four years due to the over presence of the military, the escalating level of conflict, violence, and human rights violations by state actors, and abuses by non-state actors. Other main concerns are the rights of women, the right to freedom of expression, association, and assembly, the right to freedom of thought and conscience, the right to justice and accountability for human rights violations, and the abolition of the death penalty. We also did research on and campaign against all forms of harassment, intimidation, and discrimination against LGBTQI+ people. Indonesia is too important a country to have such a human rights record over the last twenty years of democratic reforms.

Regarding the human rights of women, there are a number of laws that are discriminatory. For example, the marriage law. In recent weeks, I have been attending a constitutional court session as an expert from Amnesty emphasizing the fundamental rights of women to marry anyone they love regardless of religion, gender, sexual orientation, or race. The court is hearing a constitutional complaint by a Catholic man who was banned from marrying a Muslim woman. I have given quite a long statement as an expert highlighting the fundamental rights of every human being to marry or to form a family. And those rights cannot be restricted or violated based on religious or racial background. There are also discriminatory grounds for men who can marry another woman as a second wife, just because the woman is disabled, for example. This is clearly discriminatory and degrades the human dignity of women. This law also has many other problematic articles.

The Islamic law in Aceh, or *Qanun Jinayat*, which was passed by parliament in 2014, expands the use of corporal punishment and introduces criminal offences related to consensual sexual activity between unmarried couples. The draft law on the penal code that is currently being deliberated at parliament also contains similar and problematic articles criminalising consensual sexual activity between unmarried couples. Consensual sexual activity between individuals of the same sex is also considered to be *zinah*. Most of the victims of these laws have been women.

We have to work with the local human rights organisations, including women’s rights organisations, in order to be able to share our different expertise. We also work with the local civil society to put pressure on Indonesian authorities to adopt the law on anti-sexual violence or to push the full implementation of the elimination of domestic violence, of which women and children are major victims. And this [law] has just recently been adopted by the parliament. I think it is a historical win for the whole human rights and women rights movement. We called on the Indonesian government and parliament to review the marriage laws for example, bearing in mind that Indonesia is signatory of the Convention on the Elimination of Discrimination Against Women (CEDAW). And a state-party to the Convention. Amnesty and several women rights groups have been submitting submissions to the CEDAW Committee. Our country has also signed and ratified the UN Convention on the Rights of the Child to take measures to prevent early marriage, by amending the law related to the minimum marriageable age standard or to revise the Indonesian laws on rape and other forms of sexual violence.

Rapes and abortion have not really been properly addressed by the recent anti-sexual violence laws. And worse, the bill on Penal Code still criminalised abortion without differentiating between the complex elements of it. Amnesty supports women’s right to safe abortion. There are many other discriminatory policies to be addressed at the level of the ministries. On labour, for example, we produced research on the great scandal of palm oil in North Sumatra and Central Kalimantan, where we highlighted the rights of women and children who have been neglected by the companies. Also, if we look at past human rights abuses, such as the mass killings in 1965 against leftists and communist, there are many issues related to women: sexual exploitation, sexual harassment, rapes, and forced prostitution.

Did You Decide on Your Main Priorities Because of the Local Populations’ Particular Claims or Because of Amnesty’s Objectives? When these Objectives do Not Match Local Expectations Perfectly, for Instance, for Religious or Cultural Reasons, How do You Proceed?

We decided on the nine priorities for the human rights agenda [in Indonesia] based on whether we have made research on the issues, whether we have expertise and resources. On the LGBTQI+, while we have not produced a long report of our research on the situation of LGBTQI+ in Indonesia, we have produced many forms of public outputs as well as specific research on the Acehnese transwomen, which is not published yet due to security reasons

for the transwomen and LGBTQI+ communities. In Aceh, while we were on our way to finalise the final report of transgender women, the research has not been publicly launched due to some security concerns of the regional transgender community, which was involved in the process of research and reporting.

Regarding your second question, I don't believe that there is any kind of black or white binary opposition between universal and particular norms. Those who are opposing the universality of human rights usually have particular or vested interests in blaming them as products of Western countries or non-Islamic values. For example, in the early 1990s Suharto opposed human rights values by arguing that we as a nation had our own Eastern and Asian values, that were not compatible with human rights norms they claim come from the West, and are associated with Christianity or secularism. And the same argument was advocated by Mahathir Mohamad (in Malaysia), or by Lee Kuan Yew (in Singapore).

This debate is not a recent phenomenon of modern Indonesia. Before Indonesian independence in August 1945, there was a committee to prepare for Independence, set up by the Japanese authority and consisting of Indonesian political leaders and political thinkers. There was a debate about Eastern values and Western values. For example, Professor Supomo argued against human rights by claiming that Indonesia had its own values, norms, and social structures which were not compatible with Western ones. He introduced a theory called "organic states" or "integralistic states", arguing that society and the state could not be separated, should live in harmony, and didn't need any conflict. Just like life in local villages in the country, he said. Other political leaders have argued against him. For example, Mohammad Hatta, a social democrat, argued for human rights. Maria Ulfah, one of the most important female political leaders, also argued against his argument by saying that human rights were universal and should be granted inherently to Indonesian fellow citizens too.

Supomo's argument was very weak because the theory of integralistic states come from the West, from thinkers like Adam Müller or Spinoza. As a professor of customary law, Supomo learned from a Leiden professor in Holland, who was inspired by German professors who introduced the theory of the organic state or integralistic state, and which in Europe had inspired the rising politics of fascism and totalitarianism. It just really didn't back up his claim that we should not hold Western values. Secondly, Supomo was a *pangreh praja*, a politically appointed officer by the Japanese rulers at the time, who had some vested interest in serving the Japanese authorities rather than the people of Indonesia. It is important to note that Japanese colonial rule imposed feudalistic values in our social and political life.

The same goes for modern Indonesia under Suharto and under the reform era (since 1998), with those who are arguing against human rights by saying that we have Eastern norms, Asian values, or Indonesian values or religious values. Suharto had successfully expanded the notion of organic state into the

country's social and political life, so that is still powerful and deeply rooted in Indonesian society. These assumptions or binary oppositions of particular versus universal values are completely false, especially if we look at the Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, as well as so many conventions, including the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women. They are all the result of extensive discussions and debates among different countries and different level of civilizations, including Middle Eastern or Muslim countries who had been involved as well as played an active role in the formulation of those universally accepted norms.

By opposing Islam to universal human rights, the enemies of human rights fail to differentiate between the fundamental principles stipulated in the Koran, the words or the deeds of the prophet, the laws claimed to be Islamic laws by Islamic rulers, and customary practices. Just to mention a few, they mistakenly claim practices of female genital mutilation that came from ancient Arabic-African nations as Islamic values. This is absolutely incorrect.

I don't mean to say that there are no conservative norms in Islam, but people forget the historical context. If we look at history in Aceh, most references have shown that the death sentence and other cruel punishments come from the history of kingdoms at the time, rather than from the history of, or the referential texts from, for example, the Koran or Hadith. I give you a more contemporary example in Indonesian social and political life. The translation of the Koran by the Indonesian Ministry of Religious Affairs in 1971, that was in dominant use during the political conflict among political parties and elites in the late nineties and the first few years after the fall of Suharto, was based on a particular and misleading interpretation of the religious texts. There is this verse called *Ar-Rijalu qawwamuna 'ala an-nisa* that was interpreted as “Men are leaders of women” or “men are in charge of women”, based on the 1971 translation by the Indonesian Ministry of Religious Affairs. This interpretation was mostly used by the political elites who were against Megawati Sukarnoputri [President 2001–2004], a female leader whose party [PDIP] won the largest number of seats [in 1999].

It resulted in the inability of Megawati to be president because all Muslim political parties and Muslim leaders argued against her, based on this specific Koranic version. Since this shocked the country, especially the Muslim population, several Islamic scholars sat down and discussed in detail the meaning of that verse and what historical context it came from. The final translation of the Koran in 2003 deleted the original version published by Indonesian Ministry of Religion in 1971 and gave a new interpretation. And therefore, you can now have a woman for president.

There are many unfinished agendas in Indonesia when it comes to dealing with the compatibility between universal and particular norms, between religion and human rights, which I believe to be intertwined with what I call

the vested interests of those who seek power by attacking human rights and with the deeply rooted misunderstanding of Islamic norms and human rights norms.

To Address These Misunderstandings Between Different Conceptions of Human Rights, Do You Have Any Opportunities to Talk with Religious Representatives or Bodies?

Yes, we do have that opportunity. Even in terms of LGBTQI+ rights, we managed to discuss with progressive clerics. They are the ones who clarified about the concepts in Koran that have been misunderstood to justify violence or discrimination against LGBTQI+ people. Although this is not the mainstream group of clerics, their clarification has been quite effective in reducing potential repression against the LGBTQI+ community.

Do You Have Any Communication with Political Parties?

We do. As an example, for the last couple of months, we accompanied indigenous leaders and representatives from Papua to meet the chairmen of several political parties. The chairman of Golkar for example, Airlangga Hartarto, and the chairman of the Conservative Party Justice and Prosperity Party (PKS), Ahmad Syaikh. We met with the president of the National Mandate Party (PAN), Zulkifli Hasan, who is now the Minister of Trade. We met with Muhaimin Iskandar, chair of the National Awakening Party. We met with the Minister for National Development Planning, Suharso Monoarfa, chair of the Islamic-based United Development Party. We did not meet with Surya Paloh, who at the time was overseas. We did not meet with Yudhoyono's son [Agus Harimurti Yudhoyono] because his party at the time (Democratic Party) was considered to be relatively open to the rights of indigenous peoples of Papua. We met them in their official residence or in their ministerial office. So, despite of all this shrinking civic space, we managed to keep the window open for conversation, for discussing human rights issues globally.

More Broadly, What Are the Segments of Society with Whom You Have Possibilities to Share Your Ideas About Human Rights? Do You Have any communication with Other NGOs?

Yes, we work closely with students and grassroot groups, depending on the issue. For example, in terms of Internet freedom, we work with the Coalition for Internet Freedom and youth-based networks. In terms of press freedom, we work with the Committee to Protect Journalists as well as local journalists who are at risk. In terms of Papua, we work with churches, the customary council, as well as the NGO coalitions working on Papua. Not to mention so many coalition-building types of work, including the Civil Society Coalition for Security Reform. If you look at the WhatsApp groups of several coalitions among Indonesian civil society you will always find Amnesty being included into it. It could be me, a campaigner, the media officer, or an activist from Amnesty. Because Indonesian society is very vibrant, every day you can find three to five, or even more human rights issues to be responded to. Because of limited resources, we have to decide which issue we are taking the lead on and which one we will just support. On Papua, we decided to take a lead,

especially in terms of doing well-developed research on the ground, building awareness among the diplomatic community or among international agencies, making sure that NGO and Amnesty reports are submitted or presented to the diplomatic community and high-level officials. As I mentioned, we managed to present a report on Papua to President Widodo, the Deputy Speaker of the House, and several ministers, not to mention Mahfud MD, the current Coordinating Minister for Political, Legal, and Security Affairs of Indonesia.

In Papua we work closely with local NGOs and also with local state institutions such as the Papuan People’s Congress. Two months ago, we met with the Governor of Papua in Jakarta, presenting our new report on the gold rush in Papua regarding the mining plans in Wabu Block (Amnesty International, 2022). He agreed with Amnesty’s recommendation to halt the mining plans in Wabu Block due to the potential impact on human rights. He wrote a letter to the Minister of Energy and Mineral Resources asking Jakarta to halt the mining plan. Chief Minister Mahfud had confirmed to us that the government will not continue its mining plan any time soon. We are calling on them to have consultation, informing indigenous Papuans, consulting them, and obtaining their free and prior informed consent.

In Aceh we used to work very closely with the LGBTQI+ community when we produced the report that I mentioned before, but in the last couple of years, they decided to just lower down their profile, reducing public visibility. But before that, it was a very vibrant interaction, having meetings there and workshops in Jakarta, as well as putting pressure on the authorities to take action protecting their rights and dignity.

Apart from the transgender issue, we work closely with the human rights and peace community on the peace negotiation process, especially in Papua, in order to make sure justice and accountability are delivered or at least to reduce the escalation of violence and human rights violations. We support the establishment of the Truth Commission as long as it doesn’t jeopardise the justice and accountability process and the victims’ rights to justice, truth, and redress. We work with the victims, families, and witnesses, we produce briefings, and bring them into the attention of those in power. In terms of consultation for the Universal Periodical Review (UPR), we coordinate among NGOs, we communicate with them, we came together to the public hearing held with the Ministry of Foreign Affairs and National Human Rights Bodies. This week, some NGOs will be consulted with the Ministry of Law and Human Rights on the UPR. Amnesty will be sending two representatives to speak in one of the sessions of the UPR in Geneva, Switzerland, this year.

There are many NGOs that do not stay in an ivory tower, but are really on the ground, risk their lives, work directly to accompany victims, survivors, to watch police brutality, or to document issues related to drug abuses and the importance of a human rights-based approach. For example, in recent months, some regular citizens accompanied by NGOs started to campaign publicly demanding for the legalisation of marijuana for health purposes, just like what we had seen in other countries—among others are Thailand. In

terms of drug use and drug control, Amnesty policy is clear: the approach for drug issues should not be criminalisation, it should be health and public interest. So rather than just putting people in jail, we need to improve our scientific research on marijuana as well as improve our national health system. In recent years there's a shift in public perception about marijuana, and some families whose son or daughter have health issues and need marijuana as a therapy and topical treatment have somehow contributed to the awareness of the need to legalise marijuana, at least for health purposes. But it's a long way to go, I think, for Indonesia to legalise such prohibited stuff. We need some induced work on prison reform, some work to help the victims of drugs for rehabilitation, some work on the draft law to reform the penal code.

So, there are many angles, many lenses through which you can work on human rights in Indonesia. Not to mention the younger generation of NGOs. Perhaps, I'm from the old generation of NGOs, from traditional activism in the late nineties. Activism of the twentieth century tended to be Marxist, socialist, or at least social democrat. But now the younger generation is inspired by newer trends of political thinking, from Steve Jobs or Malcolm Gladwell, all the people who are involved in the digital activism debates. They are very active in a new type of activism, public education and policy research activities. Even during COVID-19, the younger generation of civil society has been very active in monitoring the government policies. Some of them got into trouble, like Ravio Patra, a widely known young public policy analyst who was arbitrarily arrested. I helped him. Doing this is not necessarily to do with Amnesty's policy and priorities, but it is a solidarity action.

Are There Any Conflicts of Interest Between Amnesty International Indonesia and Other Local Advocacy Entities, for Instance, When These Entities Use Violent or Entail Discriminatory Practices?

In terms of conflict of interest between Amnesty and other local advocacy entities, I can give you an example of how close we are when we work with some Muslim intellectuals from Nahdlatul Ulama and Muhammadiyah. But also, how can we have opposing stances on politically sensitive issues of human rights. These are the two largest Muslim organisations that have been perceived as moderate, open-minded and progressive. They have deep-rooted democratic cultures and humanity-oriented values. However, when you talk about LGBTQI+ rights, the death penalty, the right to safe abortion, or religious minority rights, we could be in a different and opposing direction. The vast majority of people in the two organisations might still have some prejudices towards gay people, or towards anyone associated with communism or the Indonesian Communist Party, Partai Komunis Indonesia (PKI) which was banned after the coup in 1960s. Nevertheless, within these organisations, there is a younger and progressive generation of Muslims who work closely with us and try to influence their peers from within when they produce a fatwa, including the new generation of progressive Muslims who are now working at the Indonesian Ulema Council, the Majelis Ulama Indonesia (MUI). In the long run, we can be in a strategic partnership with them when we talk about

LGBTQI+ rights and freedoms, or when we talk about politically sensitive issues like abortion, or when we talk about the need to come to terms with our past related to the mass killings of communists, discriminatory practices against Islamists, and so on.

Internally, within the organisations, there can also be conflicts of interest at the individual level. For example, the chair of Amnesty International Indonesia, Mulya Lubis, is a lawyer who was appointed by the Indonesian government to be the Indonesian ambassador to Norway. And from Amnesty's point of view, this is in conflict of interest or conflict of duty, so we discussed this internally, he fully understood and decided to resign from the organisation. He remains a strong ally of the Amnesty movement in supporting human rights in Indonesia.

To mention other cases, during elections, for example, some of us have had personal connections with members of parliament from different political parties. It could make us be seen as closer to particular political parties but, so far, we managed to make sure that we are not partisans and independent of any political party or ideology. We even invited all of the parties to show their platforms on or commitment to human rights. For example, when we designed the nine agenda priorities prior to the election, we sent the document to all political parties, and engaged them in thematic-based conversations. During the elections, when we talked about Prabowo Subianto and his involvement in past human rights violations, we had to be very careful to make sure that we have strong bases of allegation, like a court ruling or at least the report of investigation and so on. We don't want to be perceived as an organisation affiliated with his rivals such as Jokowi [the president, Joko Widodo]. Some NGOs have taken sides by publicly supporting Jokowi, especially prior to the 2014 election, and this has been deemed to have contributed to the polarisation of civil society up until now. Finally, on the conflict of interest, we can't accept money from the government, from embassies, from any development agencies. So being impartial, independent, not in conflict of interest or conflict of duty are part of our fundamental code of conduct, our ethical principles. It's not easy.

Despite All These Efforts, Have You Suffered Any Pressure or Intimidation?

Yes, my family and I have been intimidated by those whose interests were affected by our human rights activities. Mysterious phone calls to my mother's house, countless text messages containing death threats, breaking my motorbike tyre, throwing paint on my car, beating me, or violently and brutally raid our office, and filing criminal defamation charges. In 2002, the late Munir gave me a bullet proof jacket as he heard information that I was going to be killed by certain army generals implicated by my investigative work at the National Human Rights Commission, Komnas HAM. At the time, I served as a secretary to the commission of inquiry established by Komnas HAM. I also had been named as a suspect by the police under criminal defamation charges

filed by Hendropriyono in 2005. Hendro was the head of the State Intelligence Agency (BIN), Indonesia's national secret agency. Another one was Muchdi PR or Purwopranjono, a former commander general of Indonesia's special forces, who filed criminal defamation charges and again I was named a suspect without a trial to follow. I believe it was part of their intimidation tactics, politically motivated by my role in the search for truth and justice regarding the murder of my fellow human rights lawyer Munir Said Thalib, who was poisoned to death on board a Garuda Indonesia airways flight on his way to the Netherlands to study for a Master's degree in Utrecht.

Recently, I was disrupted by many spam calls, and by intrusion when I was in a Zoom webinar on politically sensitive issues such as racism in Papua. A couple of months ago, hundreds of people claiming to be the Red and White flag militia (Laskar Merah Putih) demonstrated in front of our office, stepping on my face on a poster. Hundreds of them surrounded our office building. The building management had told us that other tenants at the building made complaints as they couldn't do their normal activities. Another mass demonstration by this paramilitary group had been staged in front of the Foreign Affairs Ministry office, asking the government to expel Amnesty International from Indonesia. These actions come from the ultra-nationalist camp, and from people who have vested interests and are affected by our human rights advocacy campaign. These demonstrations have been reported by the prominent NGO Civicus and appeared in *The Jakarta Post*, Indonesia's daily newspaper. I know that we all put our lives at risk, but it's a calling for me to defend human rights and fundamental freedoms.

Over the Last Years, There Have Been a Lot of Threats Against and Pressure on the Anti-Corruption Commission (KPK). As a Head of Transparency International, Could You Provide an Update on the Situation?

KPK is getting weakened and lacking in independence. The current head of KPK is from the police, it tends to be partisan and lacks impartiality. This is another example of how the government under Jokowi has weaponised law enforcement agencies for its own political interests. The police and prosecutorial office have been previously misused by the Jokowi's government to tame or silence the political opposition. If you look at my small research on Public Virtue [an organisation for web-based civic activism and digital democracy] (2021), I put some data there about the series of attacks against KPK investigators and leaders, highlighting dangerous laws and how corrupted the law enforcement agencies are, threatening the security of social justice leaders, of those working for human rights.

What Is Your Personal Opinion About the Current Government's Political Agenda, with the Presidential Elections [2024] Coming?

This is the least interesting government in my history of activism. Like it or not, Indonesia is slowly moving towards an authoritarian type of government. The civic space has been derailed and shrunk. Political opposition has been put aside and the integrity of the electoral system has been weakened by the strengthened influence of the country's oligarchs. If we want to elaborate

further, we can talk about the increasing use of repressive laws and tactics against civil liberties and political rights as well as hostile treatments of civil society organisations and human rights defenders. Secondly, law enforcement agencies and accountability institutions have been weakened while executive branches have more power. Thirdly, the recentralisation of the regional and provincial government in terms of regional autonomy, financial distribution, political authority, special autonomy, and so on. Fourth is the declining quality of democratisation within the political parties as none of them is willing to play an opposition role, something necessary in a democratic society. Fifth, the oligopoly of media. The ownership of media remains in the hands of oligarchs, which has contributed to inflect the results of the public decision-making process, including during elections. And lastly, polarisation within society, through a rising populist sentiment, hyper-nationalism, and politics of morality. In the past, we were fragmented as well, for example, in the nineties. But we were moving towards a consolidated opposition against the ruling regime. We toppled Suharto after a very long process of consolidation among different segments of society, from prototype oppositions like NGOs, to the mobilisational oppositions like student movements, to political parties' progressive people whose parties opted to silent those prominent individuals with grassroots basis and a very high moral integrity. But now the right-wing populist politics in Indonesia have somehow divided society and prevented us from having a consolidated force to defend our hard-won democracy.

Some NGOs and other civil society actors have failed to defend pluralism in Indonesia, to really criticise the regime when it imposed hyper nationalist policies towards Islam or Islamism by banning the organisations of Hizbut Tahrir Indonesia or the Islamic Defenders Front, including by justifying arbitrary arrests, unlawful killings and other human rights violations under the pretext of national unity. This is what scholars such as Greg Fealy call “repressive pluralism”, the government imposing repressive tactics in the name of pluralism. What happens on the ground is not really a pluralist policy. If they really want to ban FPI or HTI to protect minorities, they have to remove all discriminatory laws and regulations, including the joint ministerial decrees that discriminate against Ahmadiyya, Shia, or LGBTQI+ communities. Most of the time they are against the Islamists and Islamism not because of their belief in democracy or human rights, but rather because they are driven by hyper nationalist thinking and the political imagination of a static integralistic state.

The pluralist camp justified the arbitrary actions taken by the government because they failed to hold the essence of democratic values, feared the rising Islamism, and also, perhaps, they had been biased as they were involved in supporting the rise of Jokowi during the election. One of the worrying trends to me was that they somehow have been driven by fear of Indonesia “Talibanisation”, “Pakistanisation”, and “Islamisation” without necessarily being

critical of what exactly the government was doing and how we, as a democratic state, can remain committed to the rule of law, equal citizenship, and human dignity.

They are not defending freedom by banning Islamic organisations like HTI and FPI. They are not defending cosmopolitan ideas about democracy and human rights. They believe in their own values of nationalism or, of what they call national unity. I feel like we are going back to the era of hyper-nationalism and chauvinism under Suharto. There seems to be a failure to learn from history, for example, from how nationalism in Germany created a disaster across Europe, and across the globe. Hitler's hyper-nationalism produced a Holocaust, a crime without a name, a problem from hell.

Is There Any Place for Hope?

I would say that the recent nationwide mobilisation led by the student movement is a new hope. The largest mobilisations against Ahok in 2016–2017 were a manifestation that some segments of Indonesian Muslim society are moving towards conservatism, intolerance, and more Islamism. Against the background of this rise of identity politics-based social movement, in the last three years, we have seen a large mobilisation led by students across all kinds of campuses and schools, gathering labour, the peasant movement, indigenous communities, LGBTQI+ community. Their demands range from defending liberal values such as freedom of expression through public protest and criticism, to checks and balances for government so that President Jokowi cannot delay the elections or amend the constitution without our meaningful participation. This liberalism is the legacy of my generation in the nineties, which aimed to liberate ourselves from the authoritarian military-backed regime, in order to get freedom of speech, of expression, of opposition, and so on. The current movement gives me a new hope because, apart from defending liberal values, it has other sets of social rights and demands, for agrarian reform, welfare, social justice, increasing wages for labour, land and agrarian reform for peasants, and protection of indigenous lands.

This is a new social democracy movement in a very embryonic stage. It has been a long time that the Indonesian pro-democracy movement has been perceived to be liberal, whereas we have a strong history of socialism. The Indonesian Communist Party was the third largest in the world [by the time of its eradication in 1965] and we used to have a socialist party, the Socialist Party of Indonesia [1948–60] led by Sutan Sjahrir. We had mostly Marxist political leaders during the founding years of Indonesia. From Tan Malaka to young Sukarno, from true democrat Mohammad Natsir to social democrat Mohammad Hatta. This has gone after the elimination of communist politics in Indonesia, affected by the Cold War across the globe. I have been waiting for this kind of new social democracy movement. It's not yet there, but I think we're moving towards there. The student movement has, again, come back to become the street opposition with regular people mobilised not for identity politics sentiments, not for attacking non-Muslim politicians, not for

attacking churches and religious minority groups, and not for attacking transgender community. But instead, they defend equal citizenship, rule of law, and human dignity for all human beings, including the LGBTQI+ community, and all types of human rights from individual freedom to social rights. It is a combination between the old liberalism and the new liberalism, liberating from authoritarianism and pursuing social justice within the state, within the system of a welfare state.

If we look comparatively at the history of Indonesia, I also feel grateful as this is the longest period of democracy that we have ever had. The parliamentary democracy period from 1955 to 1959 were only four years. Sukarno then banned the parliament, banned all opposition such as the Socialist Party of Indonesia and the Islamic Party, called Masyumi, and took power under authoritarian rule, although he claimed this to be a guided democracy or *demokrasi terpimpin*. And then, for more than thirty years of Suharto's regime, we lived under an authoritarian state. And now, we have more than twenty years of democracy. Despite the decline of democracy across the globe, Indonesia is not without hope.

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