

STATEMENT BY DIRECTOR GENERAL OF HUMAN RIGHTS
PROTECTION,
MINISTRY OF JUSTICE AND HUMAN RIGHTS
THE REPUBLIC OF INDONESIA
BEFORE THE
8TH ANNUAL MEETING AT THE ASIA PACIFIC FORUM
Kathmandu, 17 February 2004

Mr. Chairperson,
Excellencies,
Distinguished delegates,

It is both an honour and a great pleasure for me to participate this annual meeting of Asia Pacific Forum of National Human Rights Institution on behalf of the Government of Indonesia. Let me begin by expressing my most sincere appreciation to the Government of Nepal and the National Human Rights Commission of Nepal for hosting this meeting and the Secretariat of the Forum for the excellent preparation and arrangement to this meeting. From my government perspective, it is indeed very relevant goal of the meeting to enhance human rights cooperation in the Asia Pacific region through the promotion and strengthening of national human rights institutions (NHRIs), especially the issue of countering terrorism which is being addressed as a special agenda of this forum.

The momentum of democratization and human right as indicated by our most recent social and political realities in Indonesia is indeed the point of no return. Learning from our past experiences, Indonesia is now truly engaged in a process of unprecedented and fundamental reforms in all fields, notably in the political, economic, social and legal sectors through strong engagement on the supremacy of law. The effort to promote and protect human rights across the country covering over 17,000 islands with more 220 million people, is infact not an easy task.

Under these circumstances, Mr Chairperson, I wish to share with this meeting the contemporary development in Indonesia's efforts to strengthen its national human rights promotion and protection system and its relation to countering terrorism.

Firstly, In 1998, for the first time in Indonesian history, an Indonesian Charter on Human Rights was introduced by the highest state institution, the People's Consultative Assembly, in its Decree No. XVII/MPR/1998. Human rights therefore have become a central pillar of the nation-building process. In 2000, the People's Consultative Assembly amended the Constitution to insert a key chapter on human rights giving very clear and strong guarantees for the promotion and protection of human rights. The chapter includes important provisions of the Universal Declaration on Human Rights and of the two human

rights covenants. In addition, more elaborate and extensive provisions on human rights are set down under law No. 39 of 1999, as well as in a number of laws on specific human rights issues such as the law on child protection.

Secondly, the press, which during the 32 years under President Soeharto's era was basically very limited freedom of expression, is now vibrantly free. They are free to speak out against the "cronyism, collusion, and nepotism.

Thirdly, there have been some encouraging developments in the strengthening of human rights protection. Aside from the over one decade old existing National Human Rights Commission, we have been establishing National Commission of Women's Right Protection, National Commission on Child's Rights Protection, National Ombudsman, and also over 30 university research center on human rights have been established. In addition, thousands of NGOs are also playing increasingly active roles in promoting the interests of various sectors of society.

Fouthly, during the Soeharto era, only three political groups were legalized by the Government. Now, we open up the political process and allowed new parties to form. Forty-eight political parties competed in the 1999 General Elections. Now it is 24 ones have been verified by General Election Commission for next coming general election.

Fifth, since the last five years, decentralization policy has been adopted and applied across the country. Centralistic policy has limited itself to finance, defence and security, legislation, foreign affairs, and religion. Centralistic regime has no more place in the country,.

Sixth in upholding human rights law, Indonesia has a mechanism as provided in Law No. 26 of 2000 on Human Rights Court. The law establishes the permanent human rights courts to adjudicate cases of gross human rights abuses which take place after the adoption of this law and of an ad hoc human rights courts to adjudicate those took place before the issuance of the law. The law also contains rules of procedure for investigation, prosecution and adjudication of gross violation of human rights.

In addition to these achievements, we are also in consistent to implement our National Human Rights Five Years Plan of Action. The newly draft of our National Action Plan 2004-2009, 146 strategic agenda on human rights have been adopted and put into six relevant pillars of: (i) ratification, (ii) harmonization of domestic laws, (iii) socialization and education; (iv) application of norms and standards; (v) institutionalization, and (vi) monitoring, evaluation and reporting, including reports to relevant treaty bodies on national implementation of human rights instruments which have been ratified by Indonesia.

Ladies and Gentlemen,

Let me also take this opportunity to touch the issue of terrorism. The Bali Tragedy on 12 October 2002 resulted in the second largest loss of lives after the 9/11 tragedies. On 5 August 2003, again, a shocking tragedy took place at the JW Marriott Hotel in Jakarta. Indonesia's concern to combat the threat of international terrorism predates the 9/11 terrorist attacks. Therefore, combating terrorism and securing our nation from future terrorist attacks are our top priorities.

Under that reasons, Indonesia enacted its first national legislation on counter terrorism - Law no. 15/2003 and 16/2003 The first law serves as the general guideline for combating terrorists. The second law is specially drawn up to deal with the terrorist attacks against tourists in Bali on 12 October 2002. Through effective and genuine cooperation with Australian government, neighbouring countries, ASEAN region, and a number of international bodies, and various UN agencies, this legal framework has been our effective instrument to bring the Bali bomb preparators to the court and finally our judges punished them to death sentence.

Therefore, we should greatly appreciate any continued effort and cooperation at national, regional, and global levels to build our strength and capacity to counter terrorism in four fronts:

- a. national: institutional capacity building and strengthening legal infrastructure;
- b. bilateral: establishing bilateral mechanism for cooperation and securing bilateral assistance for institutional capacity building;
- c. regional: enhancing regional cooperation among ASEAN member countries, promoting extra-regional cooperation; and
- d. international: strengthening the United Nations multilateral diplomacy.

Mr Chairperson, Ladies and Gentlemen

All in all, a great deal has been accomplished in Indonesia over the last few years with regard to the democratization process and to the advancement of human rights despite the many obstacles lying in the way of reform. Undeniably, much still remains to be done and a number of residual issues addressed if my Government is to meet the expectations of all Indonesian people. We therefore would be very pleased to promote much closer cooperation with you all to achieve our common denominators.

Thank you.

HAFID ABBAS