

19 November 2007

Reporters Without Borders

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Language: **English** and French

Human Rights Council – universal periodic review

First session – 7-18 April 2008

**Evidence of Reporters Without Borders, an NGO with special consultative status, about
press freedom in INDONESIA**

Press freedom

President Susilo Bambang Yudhoyono made statements in favour of press freedom but took no significant steps towards any improvement. On the contrary, the government tried to restore its control over the granting of broadcast licences and a new anti-terror law gave security forces very wide powers.

Pluralism of news and information continued to develop in the world's most populous Muslim country, which boasts at least 700 publications and 1,200 radio stations, as well a dozen local and national TV channels. Enthusiasm for electronic media has led to the launch of hundreds of pirate radio and TV channels, which the government struggles to regulate.

The constitution and the press law guarantee freedom of expression, and in December 2006, a constitutional court edict decriminalized "insulting the head of state". Unfortunately, the still archaic criminal code continues to allow prison sentences for press offences. In September 2007, the supreme court sentenced the Asia edition of *Time* magazine to pay more than 100 million US dollars in damages to the former dictator, Suharto. A spokesman for the court said *Time* had damaged the former dictator's "reputation and honour." The ruling overturned decisions by lower courts in 2000 and 2001 in *Time*'s favour. The court's judges include a retired general who was in active service under Suharto.

Sadly, journalists still suffer violence in some regions. In May 2006, independent journalist Herliyanto was murdered in the east of Java island, after investigating a local corruption case. The Alliance of Independent Journalists recorded more than 20 case of physical assault or threats against the press. Half of these violations were committed by criminals or angry mobs and the other half by police officers or officials.

Businessman Tomy Winata continues to harass journalists working for the press group Tempo. In February 2006, the supreme court overturned a one-year jail sentence against prominent journalist Bambang Harymurti for defamation. Winata had seen to it that the case went before a lower court under the criminal code and not under the press law.

Islamist groups protested against local publications *Petra* and *Rakyat Merdeka Online*, which had carried cartoons of the prophet Mohammed produced by Danish cartoonists, as well as the Indonesian edition of *Playboy* magazine. The authorities, in response to pressure, took legal action against the editors of these three publications. In September 2006, Teguh Santasa, the editor of *Rakyat Merdeka Online*, was acquitted of blasphemy.

The 2005 peace accord between the government and rebels in Aceh has had very beneficial effects for press freedom. The Aceh media are now much less likely to be attacked by security forces or separatists. Peace has also allowed the independent media, which had been victims of the war for a long time, to consolidate. Nonetheless, the authorities do not readily accept criticism, and the entity that regulates radio broadcasting shut down two independent radio stations in July 2006.

US reporter William Nessen is still banned from entering Aceh, and one of his documentaries on the Indonesian army's "dirty war" was banned from being shown at a festival in Jakarta. Four films on East Timor, exposing human rights violations by the army and the Bali bombings, were also censored.

The Indonesian Army, often criticised for its conduct in separatist regions, refuses to punish wrongdoing by its troops. The authorities have never carried out serious investigations into the murders of foreign reporters in East Timor, including Dutch journalist Sander Thoenes in 1999 and the Balibo Five in 1975. There is no longer any doubt about the Indonesian army's responsibility for the murders of the five journalists in Balibo, but the government still refuses to admit this and to cooperate with investigations carried out in East Timor and Australia.

The authorities have refused to lift a ban on the foreign press working in Papua, scene of a crackdown on an independence movement. An Australian TV crew was expelled from the island in 2006 and around 10 Indonesian journalists have been assaulted by police in the province.

Recommendations

- Try army officers and others responsible for war crimes against journalists in East Timor and Aceh. Respond to Australia's requests for Indonesian army officers implicated in the murder of five journalists in October 1975 in East Timor to appear before its courts.
- Amend the criminal code to eliminate provisions for prison sentences and exorbitant fines and damages for many press offences.
- Lift the ban on the foreign press working in Papua.
- Put an end to prior censorship of films including documentaries.

Methods used

The material in this update was gathered and checked by Reporters Without Borders, which has a worldwide network of correspondents (in 130 countries) and partner organisations (in about 20).

Journalists in some countries can be sent to prison for several years just for a word or a photo that offends. Jailing or killing a journalist eliminates a vital witness and threatens the right of each of us to be kept informed. Reporters Without Borders has been fighting day-by-day for press freedom since it was founded in 1985.

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