JOINT STAKEHOLDERS' REPORT

ON THE SITUATION OF THE RIGHT TO FREEDOM OF EXPRESSION, AND FREEDOM OF ASSOCIATION AND ASSEMBLY IN INDONESIA

TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL
ON THE UNIVERSAL PERIODIC REVIEW (UPR) OF INDONESIA
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JOINT STAKEHOLDERS' REPORT ON THE UPR OF INDONESIA

The Situation of the Right to Freedom of Expression, and Freedom of Association and Assembly in Indonesia

1. INTRODUCTION

1.1 This report was prepared by a number of civil society organisations in Indonesia, namely, CIVICUS, Legal Aid Center for the Press (LBH Pers), the Institute for Policy Research and Advocacy (ELSAM), the Institute for Criminal Justice Reform (ICJR), Peoples Participation Initiative, and Partnerships Strengthening Foundation (YAPPIKA) and the Indonesian Alliance of Independent Journalists (AJI Indonesia).[1]

1.2 The drafting process of this report has been coordinated since August 2016 with several Indonesian civil society networks that is concerned with the advancement of the right to freedom of expression, and freedom of association and assembly in Indonesia. Furthermore, this report has been consulted nationally on 14 September 2016 in Jakarta with other relevant stakeholders.

2. FOLLOW UP TO THE PREVIOUS UPR

2.1 This report is collated based on the recommendations of the UPR session for Indonesia in 2012. Various recommendations were submitted on related topics developed in this report, including to:

108.30 *Pursue the revision of the Penal Code to provide a more comprehensive and thorough legal basis for the implementation of Indonesia's obligations;*
108.31 *Adopt promptly the reforms of the Criminal Code;*
108.55 *Facilitate the visits of the Special Rapporteur on Freedom of Expression;*
108.103 *Review laws and decrees currently in force restricting the freedoms of opinion, and of expression, in order to prevent any risk of discrimination;*
108.104 *Revise any national legislation that may be in conflict with international obligations;*
108.105 *Take legislative action and effectively prosecute the incitement of hatred;*
108.113 *Intensify its efforts to respect and uphold freedom of expression, including political expression;*
108.114 *Ensure free access for civil society and national journalists to Papua and West Papua;*
108.116 *Ensure that provisions of the Indonesian Criminal Code, such as articles 106 and 110 are not misused to restrict the freedom of speech;*
108.119 *Conduct impartial and independent investigations into acts of violence committed against human rights defenders, to bring those responsible to justice and fully guarantee freedom of expression.*

3. LEGISLATIVE FRAMEWORKS

EIT Law

3.1 As a response from the public demand towards the Law No. 11 of 2008 on Electronic Information and Transactions (EIT Law) that threaten the freedom of

[1] See Annex 1.

expression, the Government of Indonesia has proposed the revision of that EIT Law to the Indonesian House of Representative (DPR RI) on 21 December 2015.[2] Unfortunately, the attempt to revise the EIT Law is not essentially responding the root problems of that draconian Law that hamper the protection of freedom of expression in digital sphere. Notwithstanding of the vague interpretation of defamation under Article 27(3) of the EIT Law, the revision of that Law remains put that article in place with the reduction on the weight of sentences.[3] The criminalisation of defamation under ITE Law is substantially contradictory to the UN Special Rapporteur's concerned to decriminalise act of defamation and be replaced with civil defamation laws.[4] Furthermore, the setback in revising the existed EIT Law is also marked by the extension of the blasphemy provision under Article 29 as to include cyber bullying as an act that could be criminalised.[5]

Penal Code

3.2 In June 2015, the Government of Indonesia has submitted the Bill of Penal Code (RKUHP) to the DPR RI as an attempt to unify all criminal provisions into a single legislation.[6] Under RKUHP, the crime of defamation has been stipulated in three separate chapters, namely, (i) Chapter II related to the contempt of the President and Vice President, (ii) Chapter V regarding the contempt against the Government, and (iii) Chapter XIX concerning the crime of defamation generally.[7] The revival of the first two chapters as mentioned previously is in contravention with the Indonesian Constitutional Court decision which declared the unconstitutionality of such provisions under the existed Penal Code (KUHP) and prohibited similar provision to be inserted in the future RKUHP.[8] Furthermore, the Bill also provided a stringent penalty for that defamation crime compared those provided in neither KUHP nor the trend from the court's decisions in handling defamation cases.[9]

CBOs Law

3.3 The promulgation of the Law No. 17 of 2013 on Civic Organisations (CBOs Law) has become a threat to the enjoyment of the freedom of association and organisation in Indonesia. The CBOs Law stipulates that the Government may dissolve the

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2 Kementerian Komunikasi dan Informatika RI, "Presiden Resmi Mengajukan Revisi UU ITE ke DPR", Press Release No. 99/PIH/KOMINFO/12/2015, <https://kominfo.go.id/content/detail/6538/siaran-pers-no99pih kominfo122015-tentang-presiden-resmi-mengajukan-revisi-uu-ite-ke-dpr/0/siaran_pers>.

3 ICJR, "ICJR Nilai Hasil Akhir Pembahasan RUU Perubahan UU ITE Masih Berpotensi Besar Mengancam Kebebasan Ekspresi", 31 August 2016, <http://icjr.or.id/icjr-nilai-hasil-akhir-pembahasan-ruu-perubahan-uu-ite-masih-berpotensi-besar-mengancam-kebebasan-ekspresi/>.

4 UN Doc. E/CN.4/2000/63, (2000) para.52.

5 Kementerian Komunikasi dan Informatika RI, "Revisi UU ITE, Atur Soal Cyber Bullying", 1 September 2016, <https://kominfo.go.id/content/detail/7966/revisi-uu-ite-atur-soal-cyber-bullying/0/berita_satker>; The Jakarta Post, "Ignoring criticism, House to pass draconian ITE bill into law", 1 September 2016, <http://www.thejakartapost.com/news/2016/09/03/ignoring-criticism-house-pass-draconian-ite-bill-law.html>.

6 The 2015 Bill of Penal Code can be accessed at <http://reformasikuhp.org/r-kuhp/> (available in Bahasa Indonesia).

7 ICJR, *Tindak Pidana Penghinaan dalam Rancangan KUHP*, Parliamentary Brief Series #1, (2016) <http://icjr.or.id/data/wp-content/uploads/2016/07/1.-Naskah-Parlemen-Brief-defamasi-KUHP-14-juni-2016-ok.pdf> (available in Bahasa Indonesia); (RKUHP stipulates crime of defamation in Articles 262, 263, 264, 281, 282, 283, 284, 285, 286, 287, 288, 289, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549 and 550).

8 See Constitutional Court of Indonesia, Judgement No. 013-022/PUU-IV/2006 and No. 06/PUU-V/2007.

9 Supriyadi Widodo Eddyono, et al., *Envisioning Indonesian Criminal Code Reform: Challenges in Reforming Criminal System and Protecting Civil Liberties*, (2015) p.9.

organisation as a form of an administrative sanction, cutting off aid and/or grants, temporary cessation of activities, and/or revocation of the registration status or legal entity, if the organisation violates the prohibitions set of multiple interpretations. Under Article 59, civic organisations are prohibited, among others, the acts of hostility against racial, religious defamation, separatist activities, violence/disturbing public order, conduct the duties and authority of law enforcement, as well as develop and disseminate the teachings/ideologies that is contrary to Pancasila, such as atheism, communism, or Marxism-Leninism. For non-legal entity organisation, the Government of Indonesia may unilaterally dissolute such organisation without the necessity to receive authorisation from the Court. Under the supervision of the Ministry of Interior through the Director General of National Unity and Politics, the existence of the CBOs Law that always hide under the blanket of political and security reasoning has indeed threatening the enjoyment for every individuals to assemble themselves into a particular community group.

Ministerial Decree No. 19/2014

3.4 In ministerial level, the Minister of Information and Communication has promulgated the Decree No. 19 of 2014 on Combating Internet Negative Content on 17 July 2014.[10] Pursuant to Article 11 of the Decree, the Government has the supreme authority to block any sites that are listed in the Government database called "*TRUST+Positif*" for being deemed containing negative contents. The Government's absolution is indeed has disregarded the role of the Court or other independent body that authorised to take similar measure. The CSOs' movement has raised their concern to repeal the Decree, which could endanger the freedom of expression, by brought that matter to the Indonesian Supreme Court.[11] Regrettably, in 2015 the Supreme Court overruled the request and put the Decree remains enforceable up to this day.[12]

Maklumat Kapolda Papua 2016

3.5 On 1 July 2016, Chief of Papua Region Police Department (*Kapolda*), General Inspector Paul Waterpauw, issued official notice on Freedom of Expression in Public which forbade some community organisation such as West Papua National Committee (KNPB), Regional People Parliament (PRD), Federal Republic of West Papua (NRFPB), the National Parliament of West Papua (PNWP), the Free Papua Organisation (OPM), the National Liberation Army (TPN) and the United Liberation Movement for West Papua (ULMWP) to pass the conveyance of opinion in public. They will also be recorded and entered into the police criminal record that will affect the administrative requirements in order to continue education, apply for a job, are not accepted as a candidate member of the police and prosecuted through the courts.[13]

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10 The Decree can be accessed at <https://jdih.kominfo.go.id/produk_hukum/view/id/215/t/peraturan+menteri+komunikasi+dan+informatika+nomor+19+tahun+2014+tanggal+17+juli+2014> (available in Bahasa Indonesia).

11 ICJR, "Menolak Rencana PerMen Sensor Sapujagat 2013-2014", 4 June 2014, <http://icjr.or.id/menolak-rencana-permen-sensor-sapujagat-2013-2014/>.

12 Supreme Court of Indonesia, Judgement No. 77/P/HUM/2014.

13 Nabire.Net, "Inilah Isi Maklumat Kapolda Papua Tentang Penyampaian Pendapat Di Muka Umum Yang Resmi Berlaku 1 Juli 2016", 4 July 2016, <http://www.nabire.net/inilah-isi-maklumat-kapolda-papua-tentang-penyampaian-pendapat-di-muka-umum-yang-resmi-berlaku-1-juli-2016/>.

Qanun Jinayat Aceh No. 6/2014

3.6 On 27 September 2014, the Government of Aceh and parliaments ratify the Qanun (Regional Regulation) Aceh No. 6 of 2014 on the Law of *Jinayat* and set into effect on September 28, 2015. There are at least 10 major criminal offenses (*jarimah*) set out in this Qanun (Article 3), and it also encompasses 46 types of crime that may be threatened with caning. The Qanun is also prohibits the homosexual behavior and extended the meaning of adultery under KUHP to be in line with Islamic values.[14]

Recommendation:

a. *The Government of Indonesia shall revoke all criminal provisions for act of defamation under EIT Law, KUHP, and the proposed Bill of Penal Code (RKUHP); and*

b. *The Government of Indonesia shall repeal the CBOs Law, Ministerial Decree No. 19/2014, Maklumat Kapolda Papua 2016 and Qanun Jinayat Aceh No. 6/2014 that curtailing the enjoyment of freedom of expression, association and assembly in the country.*

4. FREEDOM OF POLITICAL EXPRESSION

4.1 Although Article 28J (2) of the 1945 Constitution stipulating the restriction of human rights is only justifiable if it is prescribed by Law/Act. Practically, the Indonesian Police Department placed the restriction on the right to express opinions in public through a legal instrument with the lower degree than Law/Act.[15] As a result of such improper restriction, LBH Pers reported that – throughout 2015 until August 2016 – there were approximately 74 violation cases of related to the infringement of the freedom of expression and association in Indonesia committed mostly by law enforcement officers. The group that most often the victims of violations of the right to assembly is the LGBTIQ group, the group that brought the settlement of the case 1965 and Papua. Actions taken by the perpetrators either by the police or by other mass organisations such as the prohibition of the event, intimidation, enforced dissolution, illegal searches, destruction tools, banning and arbitrary arrests.[16]

4.2 On 2 May 2016, the Indonesian police captured 1,700 activists participating in peaceful demonstrations in several provinces of Papua, West Papua Province, Central Java and South Sulawesi. The demonstrators supporting the United Liberation Movement for West Papua (ULMWP) to have full membership in the Melanesian Spearhead Group (MSG). On 15 July 2016, the People's Union for the Liberation of West Papua (PRPPB), that was planning to hold a long march with route Asrama Mahasiswa Papua Kamasan I (Jl. Kusumanegara) Yogyakarta, have been receiving threats and coercion to dissolute their action from the Police officers

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14 ICJR, "Permohonan Keberatan terhadap Qanun Aceh No. 6 Tahun 2014 tentang Hukum Jinayat", 16 May 2016, <http://icjr.or.id/permohonan-keberatan-terhadap-qanun-aceh-no-6-tahun-2014-tentang-hukum-jinayat/>.

15 See e.g. Police Regulation No. 9 of 2008 on Procedures for the Implementation of Services, Security and Case Management in Public Opinion Submission, art.6(2) (The article dictates that "*delivery in public opinion can only be implemented, at times as follows: (a.) In the open between 06.00 till 18.00, local time; (b.) In an enclosed place between 06.00 till 22.00, local time; Papua Police Chief and appeal on the Prohibition of the expression activities in public*").

16 See Annex 2.

and other community groups. In fact, the Police officers was surrounded Papua's student dormitory in Yogyakarta in an effort to prevent long march, and followed with tearing gas, seizing several motorbikes, performing arbitrary arrests and beating.

4.3 In 2014, it was recorded 15 demonstrations took place in Papua. This amount is only half of the total number being recorded in 2013. Around 90% of the protests in 2014 resulted to the arbitrary arrests to the demonstrators on the basis of political ground. The rationale behind this situation is because the security forces carried out repressive measures. Upon the detention period, the indigenous people are often subjected to torture and ill treatment. In fact, such cruel practice has also victimised local Papuan journalists. These local journalists was attacked, intimidated and prevented from doing their work. The number of cases recorded between 2013 and 2014 nearly doubled compared with the previous year.[17]

4.4 On 26 November 2013, three Papuan journalists [Emil Wayar (Jubi Tabloid), Micelle Gobay (Suluh Papua), and Arnold Belau (Suara Papua)] were intimidated by the Jayapura Police officers, whilst covering peaceful demonstrations in front of the Museum Cultural Expo. The Chief of Jayapura Police Department later apologised for the incident. However, no disciplinary action given to the actual intimidator.[18]

4.5 In Jakarta, about 20,000 workers that were demonstrating on 30 October 2015 were forcibly disbanded by the use of violence either to goods and people. In addition to that, Police have arrested 23 workers and two lawyers on the activities of the delivery of this opinion. Two lawyers were acting as legal representation labourers or in other words were not part of the participants in the delivery of opinions. But police still carried them with other workers and subject to Article of disobedience against officers. Currently the criminal case is still on going.

4.6 Another aggravating factor to the enjoyment of freedom of political expression in Indonesia is supported by the Decree of the Indonesian People's Consultative Assembly No. XXV/MPRS/966 on the Disbandment Communism has hitherto contributed to restrict all forms of leftist expressions in Indonesia. In May 2016, the Intelligent Unit of the 1501 Ternate Military Command in North Moluccas has arbitrarily arrested Adlun Fikri and Supriyadi, and confiscated their books and t-shirts that are deemed to be associated with the communism.[19]In addition, since its inception in 2015 until 2016 there were about 17 screenings and 29 discussion was forcibly disbanded because the theme marxism or associated with the 65 event. In addition to the scientific dissolved, Sigit Subiyakto and Abi were arrested by police and military for making shirts that are considered as a communism symbol.[20]

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17 ICP and Franciscans International, *Human Rights in West Papua 2015: The fourth report of the International Coalition for Papua (ICP) covering events from April 2013 until December 2014*, (2015).

18 *Ibid*.

19 ELSAM, "Penangkapan, Penahanan dan Penyitaan Penetapan Tersangka Terhadap Adlun Fikri dan Supriyadi Tidak Sah dan Melawan Hukum", Press Release of Gema Demokrasi, 14 May 2016, <http://elsam.or.id/2016/05/penangkapan-penahanan-dan-penyitaan-penetapan-tersangka-terhadap-adlun-fikri-dan-supriyadi-tidak-sah-dan-melawan-hukum/>.

20 KBR, "Operasi Palu Arit, Penangkapan 2 Pemuda Balikpapan Langgar Prosedur", 14 May 2016, <http://kbr.id/05-2016/operasi_palu_arit__penangkapan_2_pemuda_balikpapan_langgar_prosedur/81270. html>.

Recommendation:

The Indonesian government immediately stopped all enjoyment restriction efforts on peaceful political freedom of expression. The Indonesian government shall prosecute other parties which terminate the rights of freedom of expression in peaceful political.

5. HATE SPEECH

5.1 The legislative framework related to hate speech in Indonesia has extended not only covering the offline media but also to the act committed through Internet platform. Presently, KUHP, ITE Law, and Law No. 40 of 2008 on Elimination of Racial and Ethnical Discrimination (Law 40/2008) are the vanguard for guaranteeing the protection of human rights from any form of incitement of hatred.[21] Despite the legislative action taken, the implementation of these laws remains ineffective. In cases where the Prosecution indicting the accused based on Article 28(2) of the ITE Law, ELSAM's found multiple interpretations made by the judges in translating the elements of crime under that Article.[22]

5.2 In Indonesia, some cases related to acts of hate speech based on racial and ethnic discrimination, but the cases handled are not completed at the court. In case of racial insults by Farhat Abbas, Police preceded the case but with a peaceful solution between the complainants Anton Medan with Farhat Abbas is accompanied with an apology. In the case of the People Torches (LP no. 619 / VI / 2014 / Criminal Investigation dated June 16, 2014 on behalf of the complainant DR. H. Teguh Samudera, SH, MH). Investigated the case has been completed and has received P 21 (complete file) of the Attorney General. The case is now pending phase II (surrender of suspects and evidence). In the case of the Chairman of Kadin Batam (Ahmad Ma ' ruf) slandering the Tiong Hoa community also resolved by way of peace. In the case of Arif Kusnandar on 22 August 2015 by posting on Facebook a provocative and suggestive racial hatred against Chinese citizens who urge people to hunt down the Chinese people to the slaughter (cutting the throats). This case is not clear handling. In Case spreaders of hate exams in social media related action chaos in Tanjung Balai, North Sumatra on the date July 30, 2016. The perpetrator was captured by the Task Force on Cyber Crime Unit but its progress was not identified until now.[23]

5.3 On 8 October 2015, the Chief of National Police of Indonesia issued a Circular Letter No. SE/6/X/2015 on the Handling of Hate Speech in order to prevent the recurrence of incidents in Tolikara, Papua and Singkil, Aceh.[24] We are concerned that such Circular could impair the enjoyment of freedom of speech generally since it applies a very narrow interpretation of hate speech by including defamation, which by its nature is not the same with incitement of hatred.

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21 Criminalisation of hate speech has been stipulated in Articles 156, 156a and 157 of the KUHP, Articles 28(2) and 45(2) of the ITE Law, and Articles 4 and 16 of the Law 40 of 2008.

22 ELSAM, *Kebebasan Berekspresi di Indonesia: Hukum, Dinamika, Masalah, dan Tantangannya*, (2016) pp.401-403.

23 ICJR, "ICJR: Membiarkan Kasus Penyebaran Kebencian Dapat Membahayakan Demokrasi", 1 September 2015, <http://icjr.or.id/icjr-membiarkan-kasus-penyebaran-kebencian-dapat-membahayakan-demokrasi/>.

24 The Jakarta Post, "Circular on hate speech to protect all citizens: Police chief", 3 November 2015, <http://www.thejakartapost.com/news/2015/11/03/circular-hate-speech-protect-all-citizens-police-chief.html>.

Recommendation:

The Indonesian government must consistently perform its obligations to prosecute cases of hate speech in accordance with the applicable legislation and to stop impunity in these cases.

6. THE CRIMINALISATION OF FREEDOM OF EXPRESSION WITH THE OFFENCE OF TREASON UNDER ARTICLE 106 AND 110 OF THE PENAL CODE

6.1 Until now, the use of Article 106[25] and 110[26] Penal Code is still being used in cases related to freedom of expression. Recently the use of Article treason in freedom of expression used in 2013 in the court. But in the case of the latest in 2016, several cases related to religious organisations also reported with this article.

6.2 Indonesian criminal law does not have a sufficient understanding of the word treason (until now there is no official translation of the Indonesian Penal Code). *Makar* set out in the Criminal Code should have been translated from the word that in Dutch *aanslag* understood as *gewelddadige aanval*. The Making of *gewelddadige aanval* by a free translation in English means violent attack. So the crime of treason, should be associated with the action that is to attack/attack. So that in the absence of action/preparation strike/attack, then such actions cannot be regarded as a criminal act of treason.

6.3 In practice the use of the crime of treason especially in articles 106 and 110 of the Criminal Code was expanded in court. In 2016 ICJR Studies against 15 cases of treason were attempted in a court in Indonesia from 2005 to 2013 showed that almost a majority of the use of clauses treason precisely targeted to freedom of expression, particularly political expression.[27]

6.4 Since the year 2012, there are three court decisions that criminalise peaceful political expression deed with articles 106 and 110 related to treason.[28]Cases of peaceful political expression which shall be subject to provisions of the plot is (1) Sehu Blesman Als. Melki Bleskadit In Decision No. 574 K/Pid/2012, (2) Salamin Als. Mujahid Bin Ahmad Ahmad Basar Decision No. 961 K/Pid/2012, (3) Mujono Agus Salim Abdullah Als. Nurdin Bin Samto Harjono Decision No. 961 K/Pid/2012, (4) Supandi Als. Mahmud Als. Danu Bin (Alm) Suhud Decision No. 970 K/Pid/2012,

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25 Article 106 dictates that the attempt undertaken with intent to bring all or part of the territory of the state, is punishable by imprisonment for life or imprisonment while the maximum of twenty years.

26 Article 110(1) stipulates that deliberative evil to commit an offense under section 104, 106, 107, and 108 were threatened by the criminal threat in those chapters. (2) The same penalties apply to those who with intent pursuant to section 104, 106, and 108, to prepare or facilitate crime: 1. trying to mobilise others to do, ask to be conducted or participated undertake in order to provide assistance in time did or provide opportunity, means or information to commit a crime; 2. trying to get the opportunity, means or information to do harm to themselves Atua others; 3. have a supply of goods that knows useful to commit a crime; 4. prepare or have plans to carry out the crime that aims to tell the other person; 5. trying to prevent, hinder or thwart the actions organised by the government to prevent or repress the commission of crimes. (3). The goods referred to in point 3 of the previous paragraph, can be seized. (4) There shall be punished whoever turns mean just prepare or facilitate constitutional changes in a general sense. (5) If in any of the circumstances referred to in paragraphs 1 and 2 of this article, the crime really takes place, the punishment may be doubled.

27 Supriyadi Widodo Eddyono, *Makar was Aanslag*, Policy Brief, (2016).

28 *Ibid*.

and (5) Nur Basuki Als. Bin Aziz Abdul Hadi Prayitno Decision No. 970 K/Pid/2012.[29]

6.5 Currently House of Representatives and the Indonesian government was discussing the book II RKUHP. In the draft Criminal Code, the crime of treason defined in Article 222 to Article 227. Of these provisions can be seen that the crime of treason are grouped as follows: first treason against the President and Vice President, second, treason of the Unitary Republic of Indonesia, third, treason against Government Legitimate.

6.6 Article 106 of the Penal Code was revised into the Article 223 RKUHP, while Article 110 Criminal Code was revised into Article 227 RKUHP. However, the formulation of the draft Penal Code on treason does not differ with the Criminal Code. RKUHP does not provide understanding/definition of the offenses of treason. The formulation of the crime of treason is not clear this will be multi-purpose act, as well as prone to be misused by law enforcement authorities for the sake of momentary interests.

Recommendation:

The Indonesian government must give proportional definition on the phrase "treason" listed in the Indonesian Criminal Code, including in the Criminal Code draft that will now be passed in Parliament.

7. FREEDOM OF ASSOCIATION AND ASSEMBLY

7.1 In the implementation of Act No. 17 Year 2013 concerning civic organizations (CBOs Act) the first year (2013-2014), found a variety of verbal threats from the government as license revocation, dissolution, stamp illegal/illegal, closing access empowerment funds, are not recognized, or not served, for organizations that have not registered letter (SKT) from Kesbangpol.

7.2 The local government in many places also states that signed up for the organization was compulsory, and if it does not sign will not get services. In the third year (2015-2016), the Government has given his stamp on the organization as anti Pancasila and perverse, and said it would dissolve them.

7.3 Practice raids in LGBT places become daily occasion in Aceh after the enactment of qanuns jinayat, on 6 August 2015 Municipal Police and the Wilayatul Hisbah Banda Aceh were sealing salon commonly used as a gathering place for homosexuals located at Jalan Pocut Baren, Banda Aceh. [30]On March 15, 2016 joint team Wilyatul Hisbah (WH) - municipal police, clergy, military, and police - in the district of Aceh Barat conduct raids on lesbian, gay, bisexual, and transgender (LGBT) in a salon in the center of the city of Meulaboh for contrary to the canons of Islamic law.[31]

7.4 On September 25, 2013, the leader of the Papuan community groups and former political prisoners, Edison Kendi, was taken from his home by police officers and Special Forces. The arrest was based on Edison's involvement in a peaceful

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29 *Ibid*; see Annex 7.

30 Suara.com, "Salon Tempat Ngumpul Homo di Banda Aceh Disegel Polisi Syariah", 6 August 2016, <http://www.suara.com/news/2015/08/06/185940/salon-tempat-ngumpul-homo-di-banda-aceh-disegel-polisi-sharia>.

31 Klikkabar.com, "LGBT di Meulaboh Ditangkap WH, Terancam 30 Kali Cambuk", 15 March 2016, <http://klikkabar.com/2016/03/15/lgbt-di-meulaboh-ditangkap-wh-terancam-30-kali-cambuk/>.

demonstration that was planned to be performed on the next day. The peace rally in question is the reception procession of holy water and ash from traditional elders in Australia. The police argued that the arrests were made based on the Law on Mass Organizations, which states that permit the rally will not be given to groups that are not registered with the Directorate of National Unity and Politics (Kesbangpol) Ministry of Interior.

7.5 In a case in North Sumatera, the Office of Information and Electronic Data Processing Karo rejected the request for information FITRA North Sumatra with a reason not listed in Karo, whereas the right of access to information is guaranteed by Law No. 14 of 2008 on Public Information. FITRA North Sumatra has also been incorporated. In the second year (2014-2015), found 11 policies issued by the central government, provincial, and district are continuing threats and restrictions of the Act CSOs, particularly related to the obligation of registration in the Ministry of Interior in this case the Director General of National Unity and Politics.[32]

7.6 In the case in the region of Sulawesi, Gorontalo regency create a policy would not serve any request for assistance in any form, provide information or not to attend the invitation of activities of organizations that are not registered.[33] This policy uses the paradigm that considers an illegal organization if it is not registered in the National and Political Unity, thus limiting the variety of these organizations access to facilities and interactions with government.

7.7 In the case in West Sumatera, the Institute of Research and Community Empowerment (LP2M) in collaboration with the Australian Aid prohibited from running activities in Tanah Datar citing a letter registered LP2M is over and Australia Aid is regarded as foreign NGOs not have permission principles and operational working in Indonesia.[34]This ban is a form of restriction on the activities of the organization under a law CBOs. While such an arrangement has been cancelled by the Constitutional Court.

Recommendation:

The Indonesian government must repeal Law No. 17 Year 2013 on Civic Organizations (CBOs Law).

8. VISIT OF UN SPECIAL RAPPORTEUR

8.1 Notwithstanding of Indonesia's acceptance to the previous UPR recommendation on visit of UN Special Rapporteurs. However, there is the government issued no official invitation letter to the UN Special Rapporteur on Freedom of Expression.

Recommendation:

The Indonesian government should officially invites the UN Special Rapporteur on Freedom of Expression to visit Indonesia and observe the enjoyment of freedom of expression in the country.

32 See Annex 3.
33 *Ibid*.
34 *Ibid*.

9. ACCESS OF JOURNALISTS TO PAPUA

9.1 In May 2015, President Joko Widodo stated that he would open access to foreign journalists to cover in Papua.[35] However, in fact the foreign journalists still difficult to gain access, such as in January 2016, the Indonesian authorities refused to give a visa to journalist Cyril Payen of France 24 Television. The visa was refused shortly after the broadcast of Cyril's documentary on "the forgotten war in Papua."[36] The documentary which was broadcast on 18 October 2016 highlights human rights violations carried out by the government over 25 years and the heavy toll of these abuses on civilians in Papuan Eastern Provinces. On 8 October 2015, officials from the Indonesian Ministry of Foreign Affairs had stated that Cyril Payen's reporting was biased. Cyril Payen is the correspondent for France 24 based in Bangkok and his reports focus on South East Asia. Similarly, on 6 August 2014 the authorities arrested French journalists Thomas Dandois and Valentine Bourrat and detained them for more than two months.[37] The journalists were producing a documentary for Franco-German Arte TV. They were sentenced on 24 October 2014 to two months in jail for violating Indonesia's immigration laws.

9.2 On 29 May 2015, British Journalists Becky Prosser and Neil Bonner were arrested together with nine Indonesians as they filed a documentary for National Geographic. They were all arrested by the Indonesian Navy in the Malacca Straits off Batam and handed over to local police in Batam. They were accused of making a documentary without a license and charged with violating the Immigration Law.[38] 2 days after the arrests the nine Indonesians were released and asked to sign a letter in which they agreed to cooperate with the authorities whenever they were summoned. The two journalists were convicted in November 2015 after they were detained for five months and fined 50 million Rupiah (approximately US $ 3800). They were also sentenced to jail for two and a half months but were released almost immediately haven already spent time in jail.

9.3 On August 6, 2014, Jayawijaya Police arrested two journalists from France, Charles Dandois and Marie Bourrat, after seeing Areki Wanimbo. Both foreign journalists accused of violating the Immigration Act for providing coverage without permission and later sentenced to 2.5 months in prison.

Recommendation:

The Indonesian government should ensure free and safe access to the local journalists or foreign journalists in covering the issue of Papua and West Papua.

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35 Antara News, "Jokowi administration opens foreign media access to Papua", 12 May 2015, <http://www.antaranews.com/en/news/98896/jokowi-administration-opens-foreign-media-access-to-papua>.

36 Asian Correspondent, "French Journalist banned from Indonesia for documentary on human rights abuses", 13 January 2016, <https://asiancorrespondent.com/2016/01/french-journalist-banned-from-indonesia-for-documentary-on-human-rights-abuses/>.

37 France 24, "Two French journalists arrested in Indonesia's Papua", 12 August 2016, <http://www.france24.com/en/20140812-indonesia-detains-two-french-journalists-reporting-papua-dandois-bourrat>.

38 The Jakarta Post, "Witnesses testify in British journalists' case", 2 October 2015, <http://www.thejakartapost.com/news/2015/10/02/witnesses-testify-british-journalists-case.html>.

ANNEX 1

PROFILE OF THE SUBMITTING ORGANISATIONS

CIVICUS is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, we proudly promote marginalised voices, especially from the Global South, and have members in more than 160 countries throughout the world. Website: www.civicus.org

Legal Aid Center for the Press (LBH Pers) is a non-governmental institution established in 2003 with the vision to realise a democratic civil society through the efforts of legal aid and advocacy for press freedom and freedom of expression in Indonesia. Website: www.lbhpers.org

Institute for Policy Research and Advocacy (ELSAM), established in August 1993 in Jakarta, is a policy advocacy organisation with limited association as its legal entity. To actively participate in the efforts to develop, promote and protect civil and political rights and other human rights, as mandated by the 1945 Constitution and Universal Declaration of Human Rights (UDHR), has become ELSAM's driving objective. Website: http://elsam.or.id/

Institute for Criminal Justice Reform (ICJR), having established in 2007, commits to take the initiative to support measures in realising the proposed reformation. ICJR is formed with an exclusive mission to support collective actions in honouring the Rule of Law and realising criminal justice system with strong human rights protection character. Website: http://icjr.or.id/

The Peoples Participation Initiative, and Partnerships Strengthening Foundation (YAPPIKA) is a non-profit organisation that standing and working together with some communities in Indonesia since 1991 in order to encourage government policies to improve public services in between the fields of education, health, and demographic identity of ownership (e.g. child's birth certificate) and advocate for better enabling environment for civil society. Website: http://yappika-actionaid.or.id/

The Indonesian Alliance of Independent Journalists (AJI Indonesia) is a professional organisation of journalists, which was established by Indonesian young reporters on 7 August 1994 in Bogor, West Java. Since its establishment, AJI Indonesia is concerned on three main issues, namely, (i) the struggle for press freedom, (ii) improve the professionalism of journalists, and (iii) improve the welfare of journalists. This is then materialised into a work program over the years. Website: www.aji.or.id

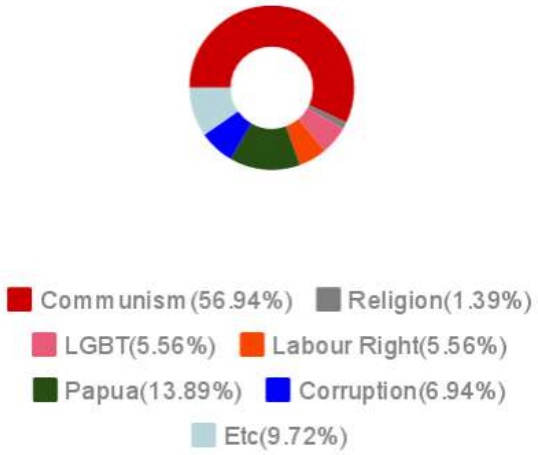


Freedom of Expression and Assembly Cases, Monitoring by LBH PERS, 2015-2016

West Sumatera : 3
South Sumatera : 1
Riau : 2
West Java : 6
DKI Jakarta : 10
Central Java : 9
East Java : 8
DIY Yogyakarta : 17
Bali : 1
East kalimantan : 1
West Kalimantan : 1
South Sulawesi : 2
Central Sulawesi : 1
East Nusa Tenggara : 1
North Maluku : 1
Papua : 8

TOTAL = 72

Based on Issue



Case Category



ANNEX 3

Monitoring Report
2nd Year of the Implementation of
Act on Societal Base Organization (Act Number 17/2013)

Prepared by: The Coalition of the Freedom of Association (Koalisi Kebebasan Berserikat)

Background

Similar to the first year since the ratification of Act on July 2nd, 2013, the Coalition of the Freedom of Association (KKB) carried out again the monitoring of the Act Number 17/2013 on Societal Base Organization. The object of monitoring is the whole practices of Societal Base Organization Act and its dynamics in the period of July 2, 2014 until July 2, 2015 in all through Indonesia.

The monitoring carried out by KKB seeks to answer the key question "What is the impact of the Act on Societal Base Organization especially in the second year of enactment and in what form?" From the monitoring there are fact-findings and the correlations of two major background of the formulation of [the bill of] the Act on Societal Base Organizations as usually presented by the House of Representative and the government. In other words, the questions is whether the fact-findings confirmed the effectiveness of the Act on Societal Base Organizations in terms of (i) the prevention against the organization that has mass and uses violence (such as demonstration with violence, sweeping, etc.); and (ii) the improvement of the governance of the organizations, especially related to transparency and accountability.

The second year of the implementation of the Act on Societal Base Organizations presented its own dynamics. At the beginning, all organizations were obligated to register themselves to the National Unity and Politics Board. The KKB found the registration obligation, one of them is the Circular Letter of the Head of the National Unity and Politics Board of Banyuwangi Regency (November 2014).

Usually, the liability is preceded by data collection activities to check whether the organization is registered or not and whether the Notification of Registration (later called SKT) is still valid or has expired. If an organization is unable to enroll the obligation, then the organization will experience the impact, starting from being labeled as illegal organization, the activities being banned, the access to empowerment funds is closed, being not recognized or simply not served.

One of the differences from the first monitoring activity (July 2, 2013 until July 2, 2014) was in the second year there was the verdict of the Constitutional Court on Judicial Review petition of the Act on Societal Base Organization. This gave a particular context where the verdict of the Constitutional Court on December 23, 2014 delivered impacts on the implementation of the Act on Societal Base Organization, especially for the two reasons. First, the registration of the organizations is voluntarily and the unregistered organizations still be recognized and their existence should be secured. Second, mass organization based

on territory is not known. Thus, there are no national, province or regency/municipality of mass organizations.

The Act on Societal Base Organization in the Perspective of KKB

Mass Organization actually has no position in Indonesia law framework. However, the New Order Regime imposed it to control the dynamics of mass organization through the implementation of the "single media" concept. In other words, mass organization is not a legal entity. They only have registered status based on the Notification of Registration (SKT) issued by the Directorate General for Unity Nation of and Politics, Ministry of Home Affairs).

The reason to establish appropriate legal framework to prosecute the violence behavior of some mass organizations by the formulation of the Act on Societal Base Organization revision is not relevant. The penal code regulates criminal acts committed by inclusion, where the violence committed by a group of people provides criminal consequences to the actor or the intellectual actor. It means the penal code is quite adequate to prosecute the actor, the inclusions, and the intellectual actor of criminal acts, or those who express the hostility or hatred to a group of peole openly in the public. If there is a group of people who commits violence in an organization, the actors as well as the head of the organization could be convicted.

The transparency and accountability of civil society organization cannot be separated from various settings. Article 16 of Act No. 14/2008 on Public Open Information has delivered liability to the non-governmental organization to provide public information such as the principles and objectives, programmes, source of funds, financial management and others.

The financial of most of the legal entities of the organizations are audited by public accountants because it is the statutory of the institutions as the taxpayer. Thus, without the Act on Societal Base Organization there is already the law that regulates the organization administrative, such as the Act on Public Open Information, act on Foundation, and the Statute of the Society.

The Act on Societal Base Organization should be repealed, not revised as proposed by the House of the Representatives and the government, because of it misdirection. The issue of the Act on Societal Base Organization is not only about the articles in question, but also the core concepts of the regulation. In other words, although there is revision on the problematic articles, it is useless because based on the wrong framework.

The position of the Act on Societal Base Organization as the "law umbrella" will just expand the bureaucracy, licensing, complicated mechanism that will cause the lack of the freedom of association in Indonesia. The 1945 Constitutional of the Republic of Indonesia has become the law umbrella and guaranteed the freedom of association and gathered.

It should be understood that there are two legal frameworks for civil society organization in Indonesia. For non-member organization, Indonesia law provides legal entity of foundation which regulated by the Act of Foundation. While for the organization based on membership, Indonesia law provides legal entity of society which still regulated by the Statute of Society (Staatsblad/Stb) 1870-64 on association with legal entities (*Rechtpersoonlijkheid van Verenegingen*).

The rejection of the Act on Societal Base Organization does not mean the civil organizations

are disobedient entities. If the government intends to organize civil society organizations, they should set it in the right legal framework. The majority of countries with civil law system recognize two types of legal entities, namely foundation/*stichting* and Association/*Vereneging*. Civil Society Organizations (CSOs), Non-Governmental Organization (NGO), and the like is a practice term. The legal terminology will always refer to legal entity of foundation or association. The civil society organizations are better organized through both the Act on Foundation and the Act on Association.

METHODOLOGY

Monitoring carried out by KKB is part of the monitoring and evaluation legislation. In general, the purposes of law monitoring are (i) to find out the process of law implementation; and (ii) to document how the actors and the institutions achieved the goals. In other words, the recent progress of the Act of Societal Base Organization can be informed through monitoring (during period of July 2, 2014 until July 2, 2015) in relation with the level of effectiveness or the possibility of causing a new problem. We are also able to recognize the gap between the purpose of the regulation and the enforcement of the regulation.

The actors of the Act of Societal Base Organization are legal entities Mass Organizations (foundation and association) and non-legal entities, including (category) of foreign Mass Organizations. If we simulate, the actors of the Act of Societal Base Organization are the organizations that engage in almost all of the sectors, namely pesantren management institution, amil zakat (institution that organizes zakah – a form of alms-giving treated as religious obligation in Islam), orphanages, hospitals, youth organizations, community of arts and films lovers, association of science, profession, hobby, social organization up to family community. While the category of the operator institutions include actors from the government, namely Central Government (Ministry of Home Affairs, Ministry of Law and Human Rights, Ministry of Foreign Affairs, and some sectoral ministries), the National Intelligence Agency (BIN), Indonesian National Police, Judiciary Agency, and the Supreme Court. Meanwhile, at the region the actors include the Governor/Regent/Major, the Regional House of Representatives, District Court, Agency of National Unity, Politics and Public Safety, and some sectoral government offices.

The objects or the goals of the Act of Societal Base Organization monitoring divided into three groups: the impacts, policies and behavior of those who implement the Act. The division of the groups based on the map of response to the Act of Societal Base Organization. There is direct response and considered as the most authoritative one (directly impacts of the Act of Societal Base Organization or more technical and operational regulation) and organizationally, which means the effects arise from the actor who implement the Act and the connection that exist between the actors.

It would be possible there will be another implementation regulation in regional level (province and regency/municipality), besides the existence of Governmental Regulation as the technical regulation (derivative) of the Act of Societal Base Organization. The regulation could be in the form of local regulation (Perda), Governor/Regent/Major Regulation up to Circular Letter of heads of local government offices. The Act of the Societal Base Organization also regulates the behavior or action of the actors.

In monitoring the implementation of the Act of the Societal Base Organization, KKB collect, select, and verify the data and findings. The sources of the data among others are the media,

field reports up to policy documents (in the form of *qanun* / local regulation, Governor Instruction, and Circular Letter). KKB analyzed the online media. They put the news materials into the monitoring table contained explanations of type and description of the events, location and time, type of action, actor, and victim. The next step is the recapitulation of the categorization of number of data, such as the type of event and action to the potential victim. Then all groups of data that has been categorized are visualized (in graphics).

Some of policy documents obtained by KKB are *Qanun* of North Aceh Regency concerning people's benefits and orderliness, Circular Letter of Ministry of Home Affair official (related to the explanation of Constitutional Court Decision) up to the circular letter of the government of Banyuwangi Regency, Gorontalo, Kapuas, and Bandar Lampung Municipality as well as Governor Instruction of DKI Jakarta.

To obtain a complete confirmation and context, KKB conducted interview and *Focused Group Discussion* (FGD) in five regions: Bengkulu, Pontianak, Bulukumba Regency, Banyuwangi Regency, and Gorontalo Regency. All data and findings derived from media monitoring to FGD are synergized and analyzed to get the conclusion of the second year of the Act on Societal Base Organization implementation.

FINDINGS AND ANALYSIS

Throughout July 2, 2014 until August, 2015 KKB obtained findings of the Act of Societal Base Organization implementation in the form of official actions and policy related to the Act.

Most of the action conducted by the officials is in the form of the socialization of the Constitutional Court verdict with some contents. *First*, the mass organizations are allowed to register in all level of government offices or not register. *Second*, the central and the local government will not serve the unregistered mass organizations. However, the government is not able to set the organization as forbidden and ban their activities as long as it does not disrupt security, public order, and violate the law. *Third*, the Notification of Registration (SKT) issued for the central board or other names applied to all structure of mass organization board. *Fourth*, data of mass organization shared through database application of the mass organization. *Fifth*, the empowerment of mass organization is no longer monopolized by the central and local government.

There are 11 policies related with the Act on Societal Base Organization issued by the central government, province and regency. The greatest number is the Circular Letter (6 policies), the others are in the form of Governor Instruction, Decree, *Qanun* and Bill of Local Regulation. There is local Regulation (*perda*) issued in Aceh.

Monitoring of Policy Related to the Act of Societal Base Organization

A few months after the verdict of the Constitutional Court, the Ministry of Home Affairs issued the Circular Letter Number 220/0109/Kesbangpol concerning the explanation of Constitutional Court Verdict towards the Act No.17/2013. It contains and emphasizes the verdict of the court as mentioned above.[1] Unfortunately the court did not explain more about

[1] Constitutional Court, "A Constitutional Court verdict No. 82/PUU-XI/2013 regarding Law on

the services. The interpretation of the phrase potentially causes legal uncertainty. It could be misinterpreted at the local level and just the opposite of the Act on Societal Base Organization and threaten the democracy in Indonesia.

The North Aceh Regency issued *Qanun* of North Aceh Regency of 2015 concerning the people's benefits and orderliness. It requires each mass organization to register, including obtaining a license before they carry out activities. The *Qanun* also mentions that the Agency of National Unity, Politics and People Safety will evaluate the activities and the performance of the organization every five years.

It seems that regulation is enacted to ensure all activities of mass organizations are in line with what is call as "the people' benefits and orderliness" based on Islamic *Syariah* principles that applied in Aceh. If we read the substance in the *Qanun* that issued in April 2015, it completely ignored the Constitutional Court Verdict that related to the judicial review proposed by PP Muhammadiyah and some civil societies and individuals joined in the Coalition for Freedom of Association.

Table 1: Monitoring of Policy Related to the Act of Mass Organization

NO	ISSUED	LOCATION	TYPE OF POLICY	EXPLANATION
1.	March 12, 2014	Banggai Regency, Province of Central Sulawesi	Circular Letter of the Head of the Agency of National Unity, Politics, and People Safety of Banggai Laut Regency concerning	Circular Letter is addressed to the chairman / leader of Mass Organization in Banggai Laut. One of the contents is the requirement to register mass organization/CSOs. The expired SKT should be renewed.
2.	September 10, 2014	Bulukumba Regency, Province of South Sulawesi	Guidance of Registration of Mass Organization in the Ministry of Home Affairs and Local government	Containing guidance of registration that refers to Minister of Home Affairs Regulation No.33/2013 concerning the Guidance of Mass Organization Registration in Ministry of Home Affairs and Local Government and the Act No.17/2013 concerning Societal Base Organization.

Societal Base Organizational," pages 124-125.
http://www.mahkamahkonstitusi.go.id/putusan/putusan_sidang_2103_82%20PUU%202013_Ormas-telahucap-23Des2014_header-%20wmActionWiz.pdf (downloaded at 7 November 2015).

NO	ISSUED	LOCATION	TYPE OF POLICY	EXPLANATION
3.	January 16, 2015	National Jakarta	Ministry of Home Affairs Circular Letter No. 220/0109/Kesbangpol concerning the Explanation of the Constitutional Court Verdict towards the Act No. 17/2013	CL is addressed to the Head of the Agency of National Unity, Politics, and People Safety at Province level in Indonesia. It contains the Constitutional Court Decisions: • The mass organizations are allowed to register in all level of government offices or not register. • The central and the local government will not serve the unregistered mass organizations. However, the government is not able to set the organization as forbidden and ban their activities as long as it does not disrupt security, public order, and violate the law. • The Notification of Registration (SKT) issued for the central board or other names applied to all structure of mass organization board. • Data of mass organization shared through database application of the mass organization. • The empowerment of mass organization is no longer monopolized by the central and local government.
4.	January 22, 2015	Province of South Sulawesi	Head of the Agency of National Unity, Politics, and People Safety Circular Letter No. 220/0109/Kesbangpol concerning the Explanation of the Constitutional Court Decision towards the Act No. 17/2013	Circular Letter is addressed to Head of the Agency of National Unity, Politics, and People Safety at Regency/Municipality level in the Province of South Sulawesi. It contains the Minister of Home Affairs Circular Letter.

NO	ISSUED	LOCATION	TYPE OF POLICY	EXPLANATION
5.	February 16, 2015	DKI Jakarta	Instruction of the Governor of DKI Jakarta No. 23/2015 concerning the process of Operational License of Foreign Mass Organization	The instruction is addressed to the Majors and Regents in Kepulauan Seribu. It contains the suggestion to arrange the operational permit to the Government of DKI Jakarta c.q Head of the Agency of National Unity, Politics, and People Safety of the Province of DKI Jakarta.
6.	April 12, 2015	Aceh Regency, Province of NAD	*Qanun* of North Aceh Regency concerning the people's benefits and orderliness.	The *Qanun* contains the implementation of people orderliness, of of them related to CSOs; the statutory of registration and obtaining license before they carry out activities in North Aceh Regency and should clearly explain their vision, mission, and work plan. The Agency of National Unity, Politics and People Safety of the Regency will evaluate the activities and the performance of the organization every five years.

NO	ISSUED	LOCATION	TYPE OF POLICY	EXPLANATION
7.	April 13, 2015	Gorontalo Regency, Province of Gorontalo	Regent of Gorontalo Circular Letter No. 200/BKBPL/182/IV/2015 Concerning the Existance of CSOs	It is addressed to the head of governmental office, the assistants and expert staff, division head, head office, directors of State Owned Enterprise, Region Owned Enterprise, Head of District, the Head of Kelurahan/Village in Gorontalo Regency. It contains at least three things. 1. There is no facilitation for CSOs which do not have SKT. 2. The facilitation includes ignoring serving all kinds of funding facilitation, and giving explanation/interview, attending invitation from the CSOs. 3. Conducting persuasive development to prevent and order the activities that potentially caused disharmony.
8.	April 21, 2015	Tanah Datar regency, West Sumatera	Tanah Datar Regency, West Sumatera No. 220/121/Kesbangpol-2015 concerning the termination of activities addressed to the head of CSO LP2M.	The reason of the termination letter is expire date of the Notification of Registration of LP2M and AustraliaAid as the partner of LP2M has not obtained the principle license and operational license.
9.	May 13, 2015	Kapuas Regency, Central Kalimantan	Circular Letter Number 220/253/Kespolin. 2015	Circular Letter is addressed to Mass organization and CSO in Kapuas Regency. It contains the order to all the heads of governmental offices, State Owned Enterprise, Region Owned Enterprise and Heads of Districts in Kapuas Regency to only serve mass organization/CSOs that has fulfilled the requirement as legal entity or owned the Notification of Registration and has registered their existence.

NO	ISSUED	LOCATION	TYPE OF POLICY	EXPLANATION
10.	August 18, 2015	National Jakarta	Circular Letter of Minister of Home Affairs No.900/4527/SJ concerning the strengthening of Chapter 298 Article (5) the Act No. 23/2014 concerning Local Government.	It is addressed to the Governor, Regent/Major, and the chairman of House of Representative of Regencies/Municipalities in Indonesia. The contents are some articles in the Act of Societal Base Organization as a reference of regulating the agencies, institution, and legal entities of Mass Organization in Indonesia.
11.		Wajo Regency	Circular Letter of Wajo Regency No. 300/111/Kesbangpol of Wajo Regency	The suggestion to register to the Agency of National unity, Politics, and People Safety, to obtain the Notification of Registration (SKT) for five years. The SKT should be renewed if the leader of the organization changed.

http://www.mahkamahkonstitusi.go.id/putusan/putusan_sidang_2103_82%20PUU%202013_Ormas-_telahucap-23Des2014_header-%20wmActionWiz.pdf (downloaded at 7 November 2015).

The local government of Gorontalo interprets the verdict of Constitutional Court in phrase "…the Mass Organizations who do not register to the government authorities do not get services from the government (state)…" by issued the policy that they will ignore the funding proposal in any terms, refuse to give explanation or interview, or do not attend the invitation from the unregistered organizations. This policy enacted in Circular Letter of Regent No. 200/BKBPL/182/IV/2015 concerning the Exixtance of Mass Organization/CSOs. The letter is addressed to the head of governmental office, the assistants and expert staff, division head, head office, directors of State Owned Enterprise, Region Owned Enterprise, Head of District, the Head of Kelurahan/Village in Gorontalo Regency.

When the existence of the circular letter is being confirmed by KKB through FGD in Gorontalo, Mr. Azhari as the head division of Democratization of the Agency of National Unity, Politics, and People Safety stated that before the circular letter of Acting Directorate General National Unity, Politics, and People Safety of the Ministry of Home Affairs No. 220/0109/Kesbangpol of January 16, 2015 is issued, the Agency of National Unity, Politics, and People Safety of Gorontalo Regency has ever met and consulted to National Unity, Politics, and People Safety of the Ministry of Home Affairs. The result of the consultation is becoming a more realistic reference to interpret "service scope" for mass organization/CSOs.

From the principle of freedom of association, the phrase does not receive government services is obviously problematic. It is not only discriminatory, but also limits the access of communities to participate and access public services. Whereas freedom to organize and participate in unions must be guaranteed both for individuals including unregistered group or association. This guarantee also applies to legal entities and corporate institutions, members of minority ethnic, national, sexual, and religious; national and non-national (including those who stateless, refugees, foreigners, asylum searcher, migrants and tourists); children, women and men.

This decision has important implications. Local government can hide behind the decision to cover public information as guaranteed in Public Law. As published in the Constitutional Court Verdict No. 3/PUU-XII/2014, in some cases, the legal registered organizations are even not easy to access public information, moreover those who have not registered. This is as example experienced by FITRA Foundation of North Sumatra. The Information and Electronic Data Processing Office of Karo Regency of North Sumatra rejected the request for information from FITRA. The reason is that because the organization has not listed in the Agency of National Unity, Politics, and Public Safety of Karo Regency. In fact, FITRA is a legal organization in the form of foundation since December 2012.

The restrictions of access that legitimized by verdict of the Constitutional Court would seem to be a restrictions pattern on the practice of organization for unregistered to organizations. Although considered legal and their activities not prohibited, certain organizations or forums will be highly constrained to deal with the government and governmental issues.

Regulations to prohibit the activity have also become another challenge for freedom of association in Indonesia. This will be faced by many foreign NGOs or NGOs that cooperate with foreign NGOs. Prohibition of NGO activity had ever been issued by the Government of Tanah Datar few months after the verdict of the Court. The Assessment and Community Empowerment Foundation (LP2M) which cooperated with Australia Aid was banned to do their activities.[2] The reason was because the Notification of Registration of LP2M had been

[2] LP2M established on September 7, 1995 in Padang with the legal status of foundations by deed of Establishment of the Notary Frida Damayanti S.H in Padang No. 02 dated September 7, 1995, the

expired and Australia Aid otherwise did not have principle license and operating license as requirements documents to cooperate with LP2M. This policy showed that Tanah Datar considered Australian Aid as "Foreign NGO". Therefore it exposed to liability as required in chapter 44 of the Act on Societal Base Organizations.

Monitoring the Media

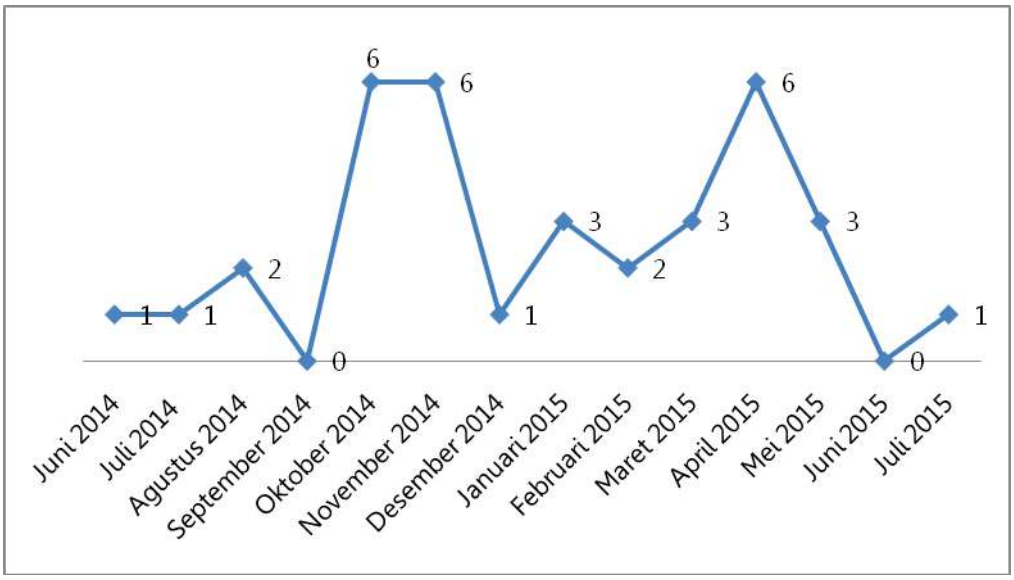
Throughout July 2014-July 2015, KKB monitoring media related with the implementation of the Act on Societal Base Organizations. Online monitoring source is the national and local media. This monitoring has two purposes. First, monitoring the cases categorized as contrary to the principle of freedom of association. Second, monitoring the trends of issues related to issues of freedom of association. Throughout the monitoring period, there were 35 events and 39 actions considered contrary to the principle of freedom of association. The difference number between actions and events because in a single event could occur two or more actions. The monitoring results compiled in a monitoring map based on websites, it is available today at the link http://bit.ly/1jegVw6.

Period of Events

From the period, it can be seen that most events occured in October-November 2014 (12 events) and April 2015 (6 events). In October-November 2014, the biggest number of events is the socialization activities from Agency of National Unity, Politics and People Safety that took place in a number of areas related to the Act of Societal Base Organization. The socialization produced some policies, including statements from government officials related to the Act of Societal Base Organization. In April 2015, an increase of event number caused by the socialization activities after the issue of Circular Letter of the Ministry of Home Affairs that consisted of Constitutional Court verdict on Mass Organizations Act.

Decree of the Minister of Justice No. C 166 HT 03 01 Year 1994. Through the congress on November 19, 2006, LP2M changed to the Association by Deed Mohammed Ishaq SH No.05 dated July 9, 2008 and ratification of the Association legal entity by Ministry of Law and Human Rights No. AHU-0001676.AH.01.07.TAHUN 2015. Currently, its office is at Kubu Dalam Kompleks Vila Nusa Indah No. 9 Parak Karakah, Kecamatan Padang Timur, West Sumatra. In brief, the establishment of LP2M started from the discussions which followed by several NGO activists in West Sumatra and one person from North Sumatra. The discussions about the negative impacts of development that caused social injustice and gender inequality has built a commitment and a shared vision to develop a movement to realize the social transformation for the marginalized people, especially women in West Sumatra. The initial step was initiated by three founders independently: Fitriyanti, Lusi Herlina, and Slamet Rahmadi. A more complete view of this organization is available in their official website http://lp2m.or.id/ (accessed 7 November 2015).

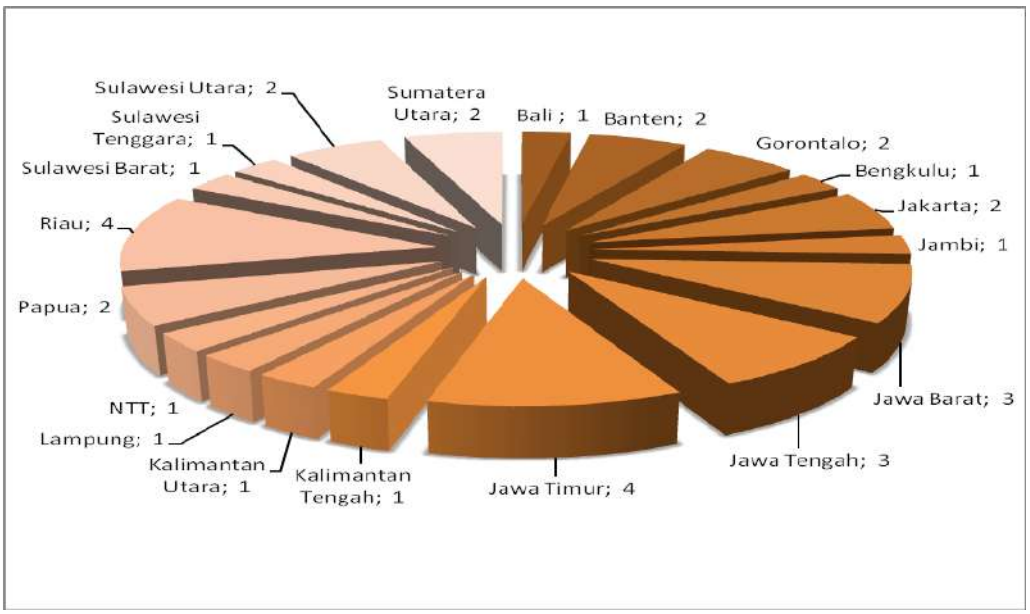
Table 2: Period of Events



Location of Events

The events mostly were carried out in East Java (4 events) and Riau (4 events). Followed by Central Java (3 events) and West Java (3 events). In East Java, the events were carried out in Ponorogo Regency, Malang, and Jember Regency. In Central Java, the events were carried out Semarang, Pati Regency, and Lamongan Regency. While in West Java the events were carried out in in Sukabumi, Bogor City, and Bogor Regency.

Table 3: Location of Events



Type of Action

Type of actions considered contrary to the principle of freedom of association is the obligatory to register (17 actions). The verdict of Constitutional Court confirms the freedom of mass organizations in Indonesia to register or not. The government is also not able to set the unregistered organization as forbidden and ban their activities. The verdict of the court emphasizes that the ban is possible if the mass organization disrupt security, public order, and violate the law. In practice, this phrase could be applied carelessly and violate the justified principles.

Although it prefers "urge" or "push", the Agency of National Unity, Politics, and People Safety at the level of provincial, regency/municipality in the end lead to the obligation to register. Without registering, the organization will not be able to be served by the government, such as accessing funds. Even in some cases the organization could be banned to carry out activities or get public access from the government.

Referring to the statement of the National Law Commission Member Roichatul Aswidah before the Judge of the Constitutional Court, the obligatory to register and prohibition to carry out activities is contrary to at least three important aspects of the guarantee of freedom of association.

First, the guarantee of the registration process that is free from arbitrarily actions. Second, the guarantee of the organization is free from the control of their activities. Third, the guarantee of the organization is free from the arbitrarily restriction and dissolution.[3]

According to Roichatul there are two role models of the authorities to regulate civil society organizations: notification and registration (registration). Admission to certain civil society organizations as a form of state involvement is possible. However, there are a number of principles that cannot be ignored. Registration itself is meant to be the legal basis of the establishment of an organization. So, it is administratively and it is not allowed to do restrictions on things that are substantive, such as restriction of the objective of the organization. When the policy of registration is enacted, the media of complaints should be given adequately. This is to provide a process of appeal against the government decisions if the organization does not agree to register.

The second level of actions found in media monitoring is CSO stigmatization and access restrictions. This stigmatization takes two forms: the accusation as a stooge of foreign and illegal organizations. The accusations as foreign stooge are experienced by Greenpeace and WWF, two organizations that are critical to voice the struggle against environmental destruction. Constitutional Court's verdict cannot set the unregistered organization as illegal, in practice the stigmatization is still happening in a number of areas. In the long term, this stigmatization can be a serious challenge for CSOs to participate in democracy. Not only government will prohibit the activities of the organization but also group of communities against other communities.

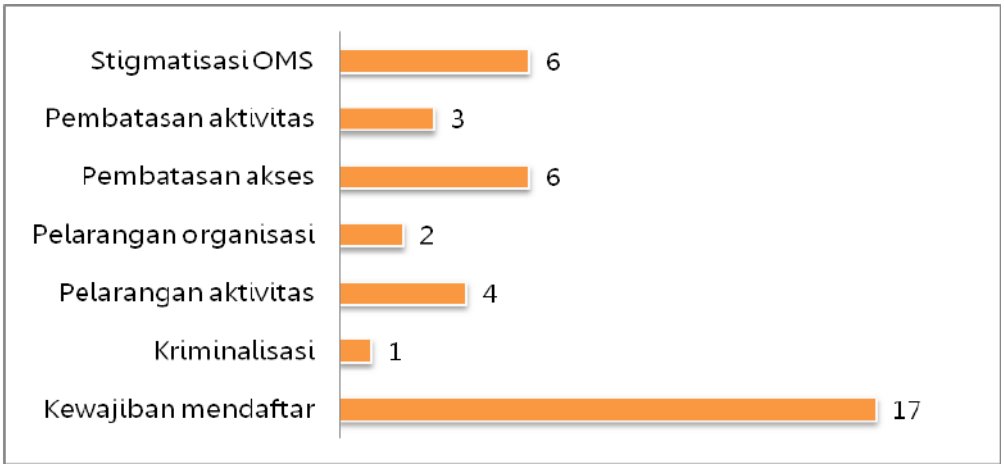
Statements of illegal organizations, for example, are still used by a number of government officials. For example, Head of the Agency of National Unity, Politics, and People Safety of North Sulawesi province, Gun Lapadengan, to the Pelopor Angkatan Muda Indonesia (PAMI)

[3] Roichatul Aswidah, Member of the National Law Commission, Court of Jucial Review of the Act on Societal Base Organization (Case Number 3/PUU-XII/2014 concerning Judicial Review of the Act on Societal Base Organization), Thursday February 27, 2014.

in Manado; the Secretary of the Agency of National Unity, Politics, and People Safety of Lampung Richard Syarnubi to the unregistered organizations in April 2015; Head of the Agency of National Unity, Politics, and People of Kendari Ridwansyah Taridala to the unregistered organizations, in July 2015.

Meanwhile the third most action occurs in the form of prohibition of activity (4 actions). This prohibition is generally the continued impact of the policy to register and termination of services for unregistered organizations. Other cases occurred in relation to prohibition article against Pancasila (the state sign of the Republic of Indonesia) in Article 3. It overrode Gafatar.

Table 4: Type of Action



The Actors

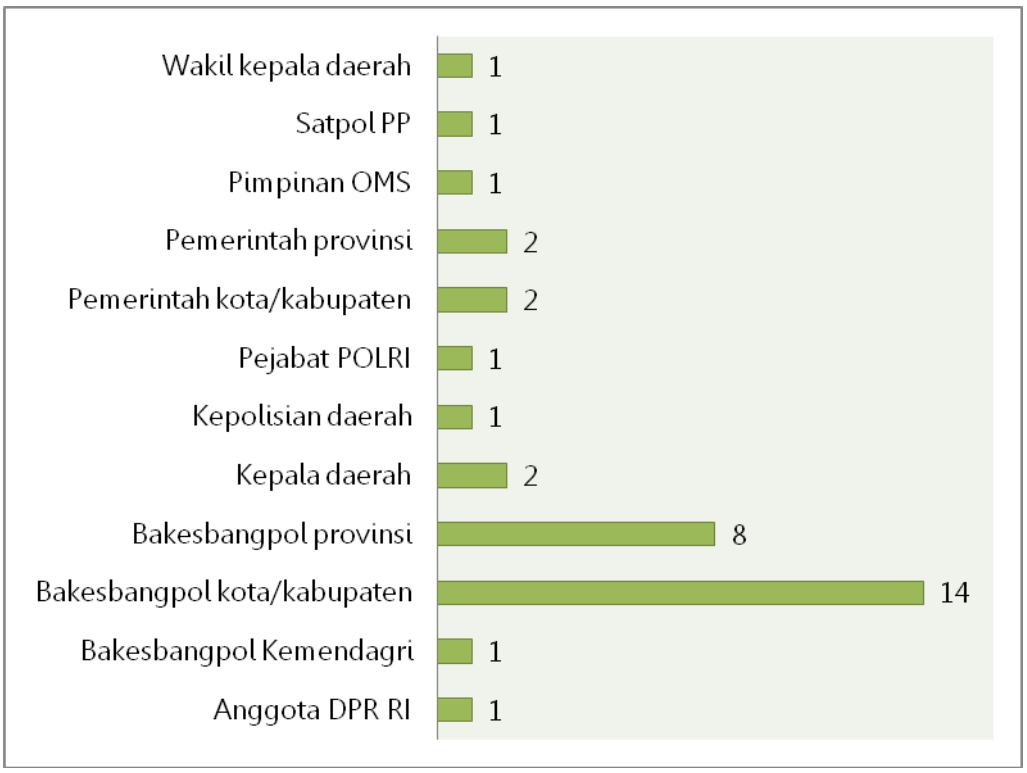
The Agency of National Unity, Politics, and People Safety of Regency/municipality is the largest actors in the actions which is contrary to the principle of freedom of association (14 events). Next followed by provincial Agency of National Unity, Politics, and People Safety (8 events), the next is the head of the region (2 events), the provincial government (2 events), and the government of regency/municipality.

The map of the actors is to confirm the KKB denial since the Act was still the draft since the government uses political and security approach rather than the law to overview the community social sector. The interpretation of this approach is carried out under the supervision of the Ministry of Home Affairs through the Director General of the National Unity and Politics. This political approach actually is already abandoned the majority countries in the world. It is the commitment to reflect the principle of law state. The minority of states are generally still authoritarian, putting social sector supervision under the Ministry of Home Affairs or Ministry of Politics, Law, and Safety.[4]

[4] Press Release "The Act on Societal Base Organizations Proposed to the Constitutional Court Advocacy Team for Freedom of Association ". This press release published on December 20, 2013. See

http://pshk.or.id/site/sites/default/files/unduhan/%5BSiaran%20Pers%20KKB%5D%20Pendaftaran%20J R%20UU%20Ormas%2020Des13.pdf (accessed on November 7, 2015).

Table 5: The Actors



Victims

The biggest potential violations of freedom of association occurred to the unregistered organization. Meanwhile, for the registered organization, the restrictions occurred related with the Notification of Registration ownership, including the renewed notification. Other types of organizations which are vulnerable to be the victims are those from minority groups based on religion and beliefs, or those who receive radical stigma or allegedly involved terrorism.

Table 6: Victims

20 members of KNPB	CSOs in Jember	CSOs are not registered in Bolmong
Foreign CSOs	CSOs in Banten	CSOs are not registered in the Province of Lampung
Community that affiliated with ISIS	CSOs in Bogor Regency	CSOs in Ponorogo Regency
CSOs in Riau	PAMI of North Sulawesi	CSOs in Papua
CSOs in the Province of Jambi	Gafatar Bali	CSOs do not own the Notification of Registration in Kapuas
FPI	CSOs in Pati Regency	CSOs are not registered in Kendari
CSOs in Sibolga	Gafatar Bone	CSOs are not registered in Gorontalo
CSOs in West Sulawesi	CSOs in North Kalimantan	CSOs are not registered in Bolmong
CSOs in Sukabumi Regency	Gafatar Kepahiang	CSOs are not registered in the Province of Lampung
CSOs in Malang	CSOs are not registered	CSOs in Ponorogo Regency
CSOs in Bogor	CSOs in Lamongan Regency	CSOs in Papua
CSOs are not registered in Indonesia	CSOs in Pelalawan	CSOs do not own the Notification of Registration in Kapuas
Gafatar	CSOs in West Papua	
FPI	CSOs are not registered in Gorontalo	

In the case of FPI violence, Basuki Tjahaja Purnama –he was still the vice governor of DKI-also use the Act on Societal Base Organizations to crack down FPI.[5] He said that the FPI was not registered in the Agency of National Unity, Politics, and People Safety (Kesbangpol) of DKI Jakarta and was not registered in the Ministry of Home Affairs. Its Notification of Registration expired in 2013.

[5] http://news.metrotvnews.com/read/2014/10/07/301631/ahok-tuding-fpi-ormas-ilegal

In judicial review, including in many statements in the media during the discussion of the bill on Societal Base Organization, the government used the Act on Societal Base organization as the reference to address organizations who often act violence. Through the regulation, unregistered mass organization which is proven doing violation would be terminated and dissolved by the government without impartial judicial process. Meanwhile, the dissolution of the group of violation actors is not the solution. They will easily form a new organization. To overcome the violation, it only needs the law enforcement through regulations that are already enacted. Rejecting the policy of the organization dissolution does not mean rejecting the "restriction". Principle of Siracusa[6] called the principle of "need" (Necessary). Explanation of the "necessary" implies to restrictions. First, it is based on one of the reasons that justified in the covenant. Secondly, answering social needs. Third, it is to achieve a legitimation of purpose. Fourth, proportionate to the above-mentioned objectives.

For KKB, if the main purpose is to reduce the dissolution of violence doing by certain groups, carry out a fair and independent law could actually effective to achieve that goal. Dissolution is not only the answer. The policy provides a reason to dissolute the organization for the interests of the authorities.

CONCLUSION

1. The Constitutional Court verdict related to the phrase "... the Societal Base Organizations that do not register to government agencies shall not receive services from the government (state) ..." still leave even cause new problems. This phrase gives a chance of distorted interpretation by the government and local governments like the government of Gorontalo. The government can interpret farther beyond the scope of services that already affirmed by the Court, which is performing an activity by using the state budget and gives guidance against the organization by the government.
2. The policy related to the Act on Societal Base Organization issued by the government and local governments after Judicial Review in Constitutional Court MK material still showed some irregularities. For example, further interpretation by the local government on the phrase of "do not get services". Most cases also show some policies even contrary to the verdict of the Court itself. For example, they often refer to an illegal organization.
3. The obligation to register is the most action that opposite the principle of freedom of association. The second most action is CSOs stigmatization and access restrictions. Those show a direct impact of the obligation of registration. The Act on Societal Base Organizations would lead organizations to register. The paradigm that emerged after judicial review is not much different from the paradigm that was canceled: the obligation to get the Notification of registration (SKT).
4. The results of monitoring showed that the Agency of National Unity, Politics, and People Safety of central and regional as the first and second largest actors in the events

[6] The Siracusa Principles on the Limitation and Derogation Provisions In The International Covenant on Civil and Political Rights, E / CN.4 / 1985/4. Siracusa Principles are principles on the provision of limitation and reduction of the rights stipulated in the International Covenant on Civil and Politics. These principles are produced by a group of international legal experts who met in Siracusa, Italy, in April and May 1984. Paragraph 15-18. It is taken from the Statement of Expert Roichatul Aswidah to KKB in the Judicial Review of the Act on Societal Base Organization in the Constitutional Court, February 27, 2014.

categorized as contrary to the principle of freedom of association. This indicates that the Act on Societal Base Organizations using political and security approach in looking at the social sector, not the law. This political approach has left by the majority of countries in the world since those countries prefer to display their commitment to law state.

5. “The unregistered organization" is a potential victim of the policy of the Act on Societal Base Organization. Most of them are vulnerable and minority groups such as Gafatar or communities that get negative stigma, such as engaging in a separatist action or blasphemy.
6. The government's efforts uses the act on Societal Base Organization to address committed violence on behalf of a particular organization can be seen as the beginning of a violation of the guarantee to be free from restrictions and dissolution. In fact, this reason to overcome violence even has never been implemented. There are no organizations were terminated for a while and was dissolved because they often commit acts of violence.

RECOMMENDATIONS

1. Repeal the Act on Societal Base Organization and restore the arrangement of CSOs through the right legal framework, which is a legal entity Foundation (for social organization without members) and the Association of legal entities (for social organization with members). The reason to repeal the law means there are a legal vacuum unfounded. To set it back we can use existing laws such as the Local Government Act or the Act of State Ministry.
2. To encourage discussion of the bill that has entered the National Legislation program (*Prolegnas*) 2010-2014. From a legal standpoint, the Bill on Association has more bases. This bill would renew the arrangement of legal entities of association which is still set in the ancient rules of Stb.1870-64 concerning the associations own Legal Entity (*Rechtpersoonlijkheid van Verenegingen*). Various arrangements related to membership-based organization will be regulated in this Act on Association.

ANNEX 4

Data Tabulation on the Infringement of Freedom of Expression and Assembly (Year 2015-2016) monitored by the Press Legal Aid Institute

No.	Event Date	Locations	Event	Executor
1.	01/07/2015	Surabaya, East Java	Prohibition of Senyap Film Screening	Lecturer / Dean / Rector
2.	1/13/2015	Solo, Central Java	Prohibition of Senyap Film Screening	Police, Violence Organizations (FPI, FUI, GPK), Lecturer / Dean / Rector
3.	1/18/2015	Jepara, Central Java	Intimidation of Senyap Film Screening	Police
4.	01/27/2015	Jakarta	Dismissal of demonstration supporting the Corruption Eradication Commission (KPK) continues to occur.	Police
5.	04/02/2015	Papua	Dissolution demonstration Papua	Police
6.	2/14/2015	Yogyakarta	Intimidation of Senyap Film Screening	TNI, CBOs Violence (FPI, FUI, GPK)
7.	02/16/2015	Kupang, East Nusa Tenggara	Forced dismissal of student demonstration in Kupang, East Nusa Tenggara, support the KPK in front of the regional police	Police
8.	2/22/2015	Bukittinggi, West Sumatra	Intimidation, Forced dismissal, Ransacked victims or survivors Meeting 1965	Police, Military, Citizens
9.	2/24/2015	Solo, Central Java	Forced dismissal of 1965 victims or survivors Meeting	Police, Violence Organizations (FPI, FUI, GPK)
10.	03/18/2015	Tangerang, Banten	Forced dismissal of Demonstrations of hundreds of City Transport (public transportation) driver R06 in Islamic Prapatan, Kelapa Dua.	Police
11.	03/22/2015	Papua	Blocking the action of BEM FISIP UNCEN	Police
12.	3/28/2015	Mamuju, Central Sulawesi	Intimidation, prohibition of Senyap Film Screening	Police
13.	4/29/2015	Surabaya, East Java	Intimidation, prohibition of Senyap Film Screening	Lecturer / Dean / Rector
14.	01/05/2015	Malang, East Java	Intimidation, screening prohibition	Lecturer / Dean / Rector
15.	20/05/2015	Makassar, South Sulawesi	Dozens of police officers from the Police Mobile Brigade Unit South and West Sulawesi (Sulselbar) and Makassar Polrestabes forcibly dispersed demonstrations lower Jokowi-JK, which was held by students of the University of Muhammadiyah (Unismuh) Makassar.	Police
16.	05/22/2015	Makassar, South Sulawesi	Forced dismissal of number of student groups demonstration that reject the arrival of President Jokowi	Police

17.	5/30/2015	Kendal, Central Java	Bullying Discussion of National Awakening Day themed "National Awakening and Political Co	Police, Organizations Youth (Pemuda Pancasila, FKPPI)
18.	06/05/2015	Bogor, West Java	Citizens who staged a demonstration related to bad roads, forcibly disbanded by a group of men from civil society organizations (CSOs) in Desa Situ Ilir subdistrict, Bogor regency Cibungbulang	Police
19.	7/15/2015	Madura, East Java	Carnival commemorate the destruction of Independence	TNI
20.	7/30/2015	Blitar, East Java	Intimidation Warning event 30 September 2015	CSOs Religion (Banser NU)
21.	08/07/2015	Salatiga, Central Java	Prohibition of Seminar and Workshop Murder Victims Research Foundation (YPKP) 1965/1966	Police
22.	08/22/2015	West Kalimantan	Forced dismissal of student demonstration to welcome the President Jokowi to Pontianak was disbanded because without permission	Police
23.	09/09/2015	Tangerang, Banten	Forced dismissal of dozens of students and the community who joined in unity Red and White, or KMP in the Soekarno-Hatta Tangerang, Banten	Police
24.	9/30/2015	Jakarta, Jakarta	Prohibition of Senyap Film Screening	Police
25.	10 / 3/2015	Banyuwangi, East Java	Prohibition of Discussion entitled "Half a Century Gendjergendjer	Police, Military
26.	10/13/2015	Pesisir Selatan, Sumatera Barat	The prohibition, Interrogation, Tom Ilyas Blocking visit to the tomb of the parents	Police, Immigration
27.	10/18/2015	Salatiga, Central Java	Banning Magazine No. 3/2015 edition Lantern " Salatiga Red City "	Police, Lecturer / Dean / Rector
28.	22/10/2015	Banten	Forced dissolution Dozens of activists of the Indonesian Islamic Students Movement (PMMI) Lebak, held a rally in front of the Parliament building Lebak	Police
29.	10/23/2015	Ubud, Bali	Intimidation, prohibition of Session 1965 Ubud Writers and Readers Festival	Police, local government
30.	10/30/2015	Jakarta	Dismissal of labor action of the various elements are forced to forcibly disbanded by police of Polda Metro Jaya Police Headquarters.	Police
31.	11/24	Batam, Riau Island	Dismissal of Industrial Estate Labor Action in Batam, Wednesday morning resumed protests refuse PP No.78 Year 2015 on wages.	Police
32.	11/10/2015	Field	Dismissal of college student action who claimed under the Mandate Draw Alliance (ATM) in North Sumatra DPRD Building,	Police

33.	05/11/2015	Jakarta	Dissolution rallies conducted hundreds of workers of PT MAJ	Police
34.	11 / 3/2015	Yogyakarta	Prohibition of NOBAR and IPT 65 discussion	TNI, CBOs Violence (FPI, FUI, GPK)
35.	11 / 9/2015	Banyuwangi, East Java	Prohibition of Prahara Tanah Film Screening and Discussion	Police, local government
36.	12/01/2015	Jakarta	Forced Dismissal by Polda Metro Jaya action 500 students from Papua Student Alliance (AMP) held a demonstration in the roundabout.	Police
37.	12 / 9/2015	Jakarta	Prohibition of Discussions and Reading of Bengkel Riset Drama themed Family Album: # 50 years of 1965	Police, Depok Theatre Group
38.	02/04/2016	Jakarta	Forced Dismissal of LGBT workshops across the city	Police, Violence Organizations (FPI, FUI, GPK)
39.	2/16/2016	Padang Pariaman, West Sumatera	Intimidation on documentary research of Indonesian Peace Women Across the Globe (PWAG)	Police
40.	2/18/2016	Yogyakarta	Prohibition of Discussion and NOBAR IPT65	CSOs Violence (FPI, FUI, GPK), Lecturer / Dean / Rector
41.	2/24/2016	Yogyakarta	The prohibition of activities for transvestites AlFatah boarding school in Bantul, Yogyakarta,	CSOs Violence (FPI, FUI, GPK)
42.	2/27/2016	Jakarta	Intimidation, Prohibition of Belok Kiri Festival	Police, PKJ TEAM
43.	03/08/2016	Yogyakarta	Intimidation of Book Discussion "Memoirs Buru" Hersri Setiawan	CSOs Violence (FPI, FUI, GPK)
44.	3/16/2016	Jakarta, Jakarta	Prohibition of Buru: Tanah Air Beta by Rahung Nasution Screening	TNI
45.	3/23/2016	Bandung West Java	The prohibition of Tan Malaka's theatrical monologue stage	Police, Violence Organizations (FPI, FUI, GPK)
46.	3/27/2016	Bandung West Java	Forced Dismissal of Pantomime in Body Day International	Police
47.	02/04/2016	Pekanbaru, Riau	Prohibition of Batas Arus Discussion	CSOs
48.	07/04/2016	Yogyakarta	Intimidation, Forced Dismissal, Interrogation, Destruction LadyFast	Police, Violence Organizations (FPI, FUI, GPK), CBOs Youth (Pemuda Pancasila, FKPPI)
49.	4/14/2016	Bogor, West Java	Forced Dismisaal of preparatory meeting of the National Symposium 65	Police, Violence Organizations (FPI, FUI, GPK), CBOs Youth (Pemuda Pancasila, FKPPI)
50.	4/26/2016	Yogyakarta	Bullying of 65 Symposium Discussion	CSOs Youth (Pemuda Pancasila, FKPPI)
51.	4/27/2016	Yogyakarta	Prohibition screenings Buru: Tanah Air Beta works Rahung	CSOs Youth (Pemuda Pancasila,

			Nasution	FKPPI)
52.	April 29 to May 1, 2016	Papua	Papua and West Papua police arrested around 50 activists in Papua in Jayapura, Wamena and Merauke, when the activists distributed leaflets containing an invitation to join in the protests.	Police
53.	01/05/2016	Yogyakarta	Banning of Poros Bulletin Magang Edition	Lecturer / Dean / Rector
54.	05/03/2016	Yogyakarta	Prohibition of World Press Freedom 2016 and Screening of "Buru Tanah Air Beta"	Police, Organizations Youth (Pemuda Pancasila, FKPPI)
55.	05/05/2016	Jakarta	Prohibition Asean Literary Festival 2016	Police, Violence Organizations (FPI, FUI, GPK)
56.	10/5 /, 2016	Bandung, West Java	Intimidation School Activities Marx entitled "Understanding Art Through the Thought of Karl Marx"	Police, Violence Organizations (FPI, FUI, GPK)
57.	10/5 /, 2016	Ternate, North Maluku	Interrogation, 2 Social Activist Arrest in North Maluku	TNI
58.	5/12/2016	Balikpapan, East Kalimantan	Sigit Subiyakto and Abi arrest	Police, Military
59.	5/18/2016	Bandung, West Java	Intimidation School Activities Marx topic "Creation Theatre Under the Thought of Karl Marx"	CSOs Violence (FPI, FUI, GPK)
60.	5/19/2016	Bandung, West Java	Prohibition of "Marxism As Science" Seminar	Police, Violence Organizations (FPI, FUI, GPK)
61.	5/20/2016	Yogyakarta	Prohibition of Buru Island Tanah Air Beta Screening	Police
62.	5/20/2016	Surabaya, East Java	Forced Dismissal of Buru Island Tanah Air Beta Screening	Police
63.	5/26/2016	Solo, Central Java	Forced Dismissal, prohibition Revealing Remaining Smoke Behind the Tragedy 1998 Solo	Police, Violence Organizations
64.	5/27/2016	Purbalingga, Central Java	Prohibition of Buru Island Tanah Air Beta Screening	TNI, CBOs Violence (FPI, FUI, GPK), CBOs Youth (Pemuda Pancasila, FKPPI)
65.	5/28/2016	Sragen, Central Java	Agrarian Reform Training and Mapping Participatory for KPA Members in Central Java Yogyakarta	Police
66.	5/30/2016	Yogyakarta	The forced decline of work of the exhibition "Nyeni Teen Idol"	Police, Violence Organizations (FPI, FUI, GPK)
67.	15/06/2016	Papua	A total of 1040 Papuan people were Arrested in today's demos: LBH	
68.	13/07/2016	Papua	Indonesian Police and military are blockading the peaceful protest lead by KNPB	Police

69.	7/15/2016	Yogyakarta	Intimidation, Arrest on Demonstrations / Long March, Right to Self-Determination of West Papua	Police, Organizations Youth (Pemuda Pancasila, FKPPI)
70.	08/15/2016	Papua	The peaceful protest refused New York Agreement August 15, 1962 and demanded the right of self-determination for Papua in Waena Abepura, Jayapura, by hundreds of people of West Papua National Committee	Police
71.	18/09/2016	Papua	Police arrested 15 KNPB activists on the grounds there will be a Minister of Politic Law and Security's visit.	
72.	19/09/2016	Papua	Director of PT Jujur Bicara Papua (Jubi) Victor Mabor said eight members of the West Papua National Committee (KNPB) arrested by Yahukimo Resort Police, Papua, this morning. All eight were detained because distributed leaflets containing a call to voice the aspirations together on September 19, 2016.	Police

ANNEX 5
Documentation on the Implementation Policy of the CBOs Law monitored by Yappika

NO	ISSUANCE	LOCATION	POLICY TYPE	INFORMATION
1.	March 12, 2014	Banggai, Central Sulawesi province	Circular Letter of Head of Political Unity and Community Protection of the Sea Banggai Registration Request CSOs / NGOs	Circular letter which is addressed to the chairman / CSOs leaders throughout the Banggai Sea. One of the requests that it includes registering CSOs / NGOs. For organizations with SKT already ended requested updated
2.	10 September 2014	Bulukumba, South Sulawesi Province	Guidelines for Registration of Community Organizations within the Ministry of the Interior and Local Government	Adopted guidelines for registration of organizations who refer Minister Regulation No. 33 Year 2013 on Guidelines for Registration of Social Organizations within the Ministry of the Interior and Local Government and Act Number 17 Year 2013 on Social Organization.
3.	January 16, 2015	National Jakarta	Circular Letter of the Minister of Interior No. 220/0109 / Kesbangpol About Company Constitutional Court ruling against Law 17 of 2013	Circular Letter which is addressed to Head of Kesbangpol addressed to the Head of Province in Indonesia. Which incorporate several matters related to the decision of the Court: 1. CSOs can be registered at any level of government institutions, and may also not listed. 2. Organizations that are not registered, do not get services from government and local government. Government and local governments can not set these organizations as organizations of illicit and ban the activities of all organizations do not perform activities that disturb the security, public order, and violation of the law. 3. SKT issued for the central committee or other designations apply to the entire management structure of the organization. 4. Data submitted mass organizations perform database applications. 5. Empowerment organizations are no longer monopolized by the government and local governments.
4.	January 22, 2015	South Sulawesi Province	Circular Letter of Head of the National Unity and Politics South Sulawesi No. 220/0109 / Kesbangpol About Company Constitutional Court ruling against Law 17 of 2013	Instruction which is addressed to Head of Kesbangpol addressed to the Head of Regency / City in South Sulawesi province. Its contents adopted Circular Letter of Minister of Internal Affairs
5.	February 16,	DKI Jakarta	Governor Instruction Special Province of	Instruction which is addressed to the Mayor and Kepulau Seribu

NO	ISSUANCE	LOCATION	POLICY TYPE	INFORMATION
	2015		Jakarta No. 23 Year 2015 on the Management of Operational Permits Foreign Community Organizations	Regent. Load on recommendation to foreign organizations that are domiciled and / or conduct activities in the area of Jakarta to permit operations to Jakarta Provincial Government represented by the Head of the National Unity and Political Jakarta.
6.	12 April 2015	Aceh District, Aceh Province	Qanun Aceh Utara regency on welfare and People Order	This Qanun which incorporate the implementation of the order of beings, one of which related to civil society organizations (NGOs); The obligation to register and obtain a permit for the organizations that will carry out activities in the North Aceh Regency; Any organizations that have activities in North Aceh regency should clear vision, mission, and work program. Bakesbangpolinmas District to evaluate the activities and the performance of organizations every five years.
7.	13 April 2015	Gorontalo Regency, Gorontalo province	Gorontalo Regent Circular Letter No. 200 / BKBPL / 182 / IV / 2015 About the Existence of CSOs / NGOs	Addressed to the Head SKPD, the Assistant and Senior Advisor, Head, Head of Office, the Director of the state, enterprises, Head, Head of the Village / Village throughout Gorontalo regency. It includes at least three things. 1. Not facilitate assistance to organizations / NGOs that do not have the SKT. 2. Facilitate the intended among other things: do not serve a request for help of any kind, including providing information / interviews, invitations to attend activities of organizations / NGOs. 3. Persuasively to provide guidance in the prevention and control of activities that have the potential disharmony.
8.		Tanah Datar Regency, West Sumatra	Letter of Head of Kesbangpol Tanah Datar No. 220/121 / Kesbangpol-2015 About Termination Event LP2M addressed to Chairman of the NGO.	This activity termination letter cited the expiration of SKT LP2M and AustraliaAid referred to as ' mass foreign ' partners LP2M does not have permission principles and operational permits.

NO	ISSUANCE	LOCATION	POLICY TYPE	INFORMATION
9.	May 13, 2015	Kapuas Regency, Central Kalimantan	Circular Letter No. 220/253 / Kespolin.2015	Circular letter which is addressed to Community Organisations (CBOs) and Non Governmental Organization (NGO) located in Kapuas. Loading order for the entire Head SKPD, state / enterprises and Head se-Kapuas to provide services only to CSOs / NGOs that have met the requirements of a legal entity or an SKT and has reported its existence.
10.	August 18, 2015	national Jakarta	Circular Letter of Minister of the Interior No. 900/4527 / SJ About Refine provisions of Article 298 paragraph (5) of Law No. 23 Year 2014 on Regional Government.	Addressed to the Governor, the Regent / Mayor, Chairman of Provincial Parliament, Chairman of Regency / City throughout Indonesia. Loading contents of several articles in the Law on Mass Organizations as referral arrangements Bodies, Institutions and Organizations incorporated in Indonesia.
11		Wajo	Circular Letter of Wajo Regent Number 300/111 / Kesbangpol Wajo	Recommendation to enroll to Kesbangpol. Obtaining of SKT for 5 years. SKT must be updated if changing directors.

ANNEX 6

Documentation of Acts that Threateaned the Freedom of Association and Assembly in Various Region monitored by Yappika

No.	Threats and Restraints Type / Form	Victim	Implementor	Location and Time	Description / Chronology
1.	Not issuing Registration Certificate (SKT) Labour by the Department of Social Welfare and Labor (Dinsosnaker)	Federation of Indonesian Metal Workers Union (FSPMI) Miscellaneous industry PT. Waste plantation Bakti	• The Social Service Manpower and Transmigration Aceh Singkil • Kesbangpolinmas	Singkil-Aceh, December 27, 2012	FSPMI various industry sectors PT Perkebunan Waste Bakti want to legalize their organization. Therefore, FSPMI will apply to this office. However Dinsosnaker ask FSPMI to apply for verification to the Department Kesbangpolinmas first. Yet according to FSPMI process is supposed to do enough to Dinsosnaker without verification by Kesbangpolinmas. This Pencataan rejected by Dinsosnaker (not written) for referring to the regulatory Regulation which states that there should be registration of Kesbangpolinmas. While FSPMI remained adamant to keep records only in accordance with the provisions of Law No. Dinsosnaker 21 of 2000 on Trade Unions.
2.	Administrative requirements are complete but Kesbangpol not publish SKT	Falun Dafa Association of Indonesia (HFDI)	Minister of the Interior of the Republic of Indonesia cq. Director General of National Unity and Political cq. Secretary General of the Ministry of Home Affairs (MOHA)	In Jakarta based on Kesbangpol letter dated June 17, 2010, which mentions "*that the Ministry of Interior did not require to issue a Certificate of Registered organization Falun Gong / Falun Dafa*"	16 September 2010, LBH Jakarta became attorney HFDI Jakarta. HFDI sued the Minister of Interior and Director General Kesbangpol Ministry of Home Affairs (MOHA) related unpublished SKT. HFDI intends to DG Kesbangpol register their organization to fulfill its obligations under Article 19 of Law No. 8 of 1985 on social organization, Article 2, paragraph 2 Permendagri 18 of 1986 on the implementation of Law No. 8 of 1985, and Article 5 of Regulation No. 5 of 1986 on the Scope, Procedures for Notification to the Government and the Board Names and Symbols Social Organization. HFDI is set that biasanya perform activities such gymnastics healthand campaigned against the torture of their colleagues in the country of China. When doing this form of activity in Indonesia, they often experience dissolution and violence by the authorities. The reason is because they have not been registered in Kesbangpol. Therefore HFDI register themselves to Kesbangpol.HFDI meet administrative requirements but SKT not being published. Kesbangpol reasoned: 1. Indonesian Association of Falun Dafa (Falun Gong) is an organization that comes from abroad (Republic of China), then HFDI registration is not only determined by the Ministry of Internal Affairs. 2. Based on the agreement AJEL Team meeting (Monitoring Mystical Beliefs in Society) and the inter-departmental meetings July 26, 2007, it was agreed that the Ministry of Internal Affairs SKT not need to publish Falun Gong /

No.	Threats and Restraints Type / Form	Victim	Implementor	Location and Time	Description / Chronology
					Falun Dafa (source: Draft lawsuit Falun Dafa).
3.	Prohibition act of solidarity on the 50th anniversary of the tragedy of humanity	Cenderawasih University students who are members of the BEM, NGOs, and communities in Papua	Police Dalmas Sorong, Papua Police Mobile Brigade, and the military	May 1, 2013 Aimas, Sorong, Biak, Noemfoor, Timika and Jayapura May 10, 2013 in front of Cendrawasih University	May 7, 2013, BEM Universitas Cenderawasih with NGO and community form of human solidarity upon the occurrence of events that resulted in the arrest of 29 people from several areas in Papua. May 8, 2013 they filed a notice of action in front of the campus of the University of Cenderawasih the Papua Police. Response from Papua Police stated that the organization (which will host the action) must complete the requirements and register with the Kesbangpolinmas. May 10, 2013, the action is still running even though previously been banned by Papua Police. Action was forcibly disbanded by the combined police and military. Coordinators and participants of the action were arrested.
4.	restriction humanitarian action and fundraising for the organization does not have SKT	Solidarity with Victims of Human Rights Violations (SKP HAM) Papua	Papua Police, Chief Vice of police in Abepura, Abepura police members, and the Jayapura Police	Thursday, July 19, 2012 at 12:40 CET, at the next red light post office Abepura Friday, July 20, 2012 12:15 CET in front of the Arts Building Jayapura	Thursday, July 16, 2012, SKP HAM Papua submit a notification letter to Papua police about the action fundraiser will be held for three days (19 to 21 July 2012) in three different places, which is a red light ahead Post Office in Abepura, Jayapura front of the Arts Building and Taman Imbi Jayapura. The letter was also copied to Kapolresta Jayapura and Abepura Kapolsekta three days before the activity. Wednesday, July 18th, 2012 at 16:00 CET, the organizing committee came to the Papua Police action to meet the call. One officer Papua Police Criminal provide a rejection letter by letter number B / 63 / VII / 2012 / DIT Intelkam to the committee. The contents of the letter explains some of the legal basis and reasons for not publishing Receipt Notification (STTP). One reason for SKP HAM Kesbangpolinmas not listed in Papua province.
5.	The search of the office until the dissolution of the organization	Center Noble Heart (CMH)	Meulaboh Regent , Clergyman Kesbangpolinmas	Meulaboh December 2012	CMH organization (which operates in the mentoring field of education, children, and life skills) was dissolved at the end of 2012. Local authorities suspect the weakening of Islamic faith CMH action in Meulaboh. Previous governments have ever issued a circular saying that all organizations must register themselves back into Kesbangpolinmas. In addition, the organizations activities should be

No.	Threats and Restraints Type / Form	Victim	Implementor	Location and Time	Description / Chronology
					evaluated. Such provision shall also apply to an organization that was formed after the tsunami. CSOs operating in Meulaboh called up and evaluated before returning to operate. The evaluation results concluded that the CMH engage in activities that lead to the weakening of Islamic faith. CMH office finally searched.
6.	Expulsion and dissolution of organizations	Cipta Community Foundations (CFK)	Bupati of Aceh Jaya	January 2013 Aceh Jaya	In January 2013, the Bupati of Aceh Jaya to create a circular (when it was before the elections) for all the NGOs in Aceh Jaya to stop its activities. One of them being targeted was CFK. When examined the reason for termination of activities was only because it would not exist organizations operating in Aceh Jaya. Allegedly this action is very strong with political elements, especially inhibit community empowerment and democratization by NGOs. CFK itself much involved in the recovery process in Aceh. Initially, the activities dillakukan CFK is the facilitation of the response, caring for refugees, strengthening the village government to train farmers and women's life skills. When the elections took place, CFK is involved in the process of strengthening local village government and in particular to prepare the election mechanism clean and healthy. Precisely that happened CFK expulsion. His office was sealed even under threat if it does not leave the office. CFK finally disbanded in February 2013.
7.	Compounded in updating the organization's identity	FITRA network	Kesbangpolinmas	early 2013 FITRA network in East Java, East Kalimantan, Riau, South Sumatra and Central Java	FITRA network in East Java, East Kalimantan, Riau, South Sumatra and Central Java had stood for ten years. When he wants to make improvements notary certificate (and after the notary deed made), there is a request for re-registration. It used only by notarial deed, which states a partnership, is enough. The situation is more difficult because the network FITRA others also experienced the same constraints. Register at Kesbangpolinmas very difficult. Seknas FITRA itself must meet the requirements that did little to update the identity (through registration toMOHA), Suppose Seknas FITRA declared the 15 organizations in 15 regions, the requirement to obtain 15 SKT should have to

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					attach proof of registration of the entire Kesbangpolinmas in each of each region FITRA members. And to get the registration of the network was difficult, especially from the 15 network. Not only that, there are also problems when the member / FITRA network in the region was to test the access to information (based on UU KIP) to a number of SKPD officially on behalf of the organization FITRA. There is a kind of response to a circular issued by the head of local or regional secretaries that before FITRA to test the access to information must show proof that FITRA " official " at the regional level (obtained from Kesbangpolinmas). There is another example in Tulung in 2011. When FITRA petition network access test information, regents sent a letter to all heads of departments, district, Kodim, Police, and the police station stating that the organization of illegal FITRA therefore should not be given any information.
Organizations following Law Approved					
8.	Rejection of requests for documents RKA because the organization is not considered registered	FITRA Sumatra	Department of Communication, Information and Electronic Data Processing (Diskominfo and PDE)	Karo, August 19, 2013	Since July 16, 2013, North Sumatra FITRA RKA document request to 29 government agencies in Karo. Usually requests for documents relied on personal ties. This time requests for documents using the formal way by sending a letter requesting the document on behalf of the institution. Of the 29 institutions, only 2 (two) institutions are responding. Monday, August 19, 2013, North Sumatra FITRA on behalf of private and institutional come directly relevant agencies prior information requests. When approached Diskominfo and PDE, FITRA get a rejection. The reason is based on Law No. 17 In 2013, then: • FITRA must be registered in North Sumatra Kesbangpolinmas Karo. • Before enrolling in North Sumatra FITRA Kesbangpolinmas Karo district of North Sumatra then FITRA can not obtain data and information desired. • If you are already registered in Kesbangpolinmas Karo, the information will be provided only documents Work Plan (Renja), while DPA is a legal document that can be given to the inspectorate alone. Questions about the status of " registered " FITRA unprecedented at the time of requesting the documents to the other institutions. The institution still provide the

No.	Threats and Restraints Type / Form	Victim	Implementor	Location and Time	Description / Chronology
					requested documents after being given an explanation that FITRA Sumatra form of foundations.
9.	NGOs considered illegal if it does not have an official office	A number of NGOs in Central Lombok	Kesbangpolinmas	central Lombok	Central Lombok Kesbangpolinmas carried out field inspections and found 47 NGOs in Central Lombok does not have an official office, plus it does not have permission. Another finding getting Average - Average NGOs utilize the residence as an office coordinator and did not put up signs agencies. Although these NGOs have the deed, AD / ART, and the management structure, where the office is considered to be one of legal recognition in the eyes Kesbangpolinmas, so that NGOs that do not have offices and permission are considered illegal. The NGOs include BARA, Asylum, Garda, Consortium, Warriors, alarum, Gemas, and Fordsuartsipt. Thus, NGOs that do not have offices questionable legality when they will do a demonstration and hearing (Lombok Post - Monday, September 16, 2013, similar news Nurani Rakyat - Friday, August 23, 2013 " A number of NGOs in the Attic No Bag SKT ") FGD *Sharing*: Based on reports from friends network, Central Lombok regency government has done a boost in mass organizations and NGOs to immediately register. On the other hand, as an example of groups of people who will do the monitoring of public service is not only NGOs, but many also (the so-called Community Center) is formed of residents who gathered course, will not have an office. The structure is only a coordinator. This group is also somewhat forced to register. If registering means they have to make AD / ART, TIN, while this monitoring because they do have the right as citizens to supervise public service. Central Lombok regency government said the purpose of the registration was to select NGO who did not have a license and "false" budget control, but beyond that the NGO would like to have the budget allotments. If seen from the case in Central Lombok, unrecognizable Kesbangpolinmas is the kind of organization that alliance.
10.	Rejection of information dispute	FITRA Riau	Riau Information Commission	Riau	FITRA Riau disputed the information, from the information commission rejected the reason the dispute has not registered FITRA Kesbangpolinmas Riau Riau. Relation to the advocacy of public disclosure, Organizations Act is a challenge, as

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					will dispute a well in the center mupun information in the area. If previously FITRA want to dispute information Riau, Riau FITRA enough to bring the certificate of incorporation. But if now asked SKT - its in the Interior Ministry, and the Ministry of law and human rights. Finally, FITRA Riau friends readmit ted ofany dispute by using the information on behalf of a private no longer with the name of the institution " . The reality of this can be contagious and appear in the another area.
11.	Changing the name of the institution	PKPA Medan	Kesbangpolinmas Medan	Field	Misran of PKPA Medan to explain the institution named PKPA Foundation. However, when requested, since the institution is only in the field, it was proposed by Kesbangpolinmas that the name of the institution was changed to PKPA Medan. When in fact the working area of the Foundation PKPA not limited in any field(Sharing during the event NGO Council 23 September 2013).
12.	The rejection of the submission of data	FITRA Tuban	Not mentioned	Tuban	FITRA Tuban apply for the data concerning the budget and got a rejection because the agency is not registered in Tuban. Each day FITRA already appeared on many TV and data is used as reference(Sharing ofJoko Hadi Purnomo of Ivos Bojonegoro in East Java when the first NGO Council held on 23 September 2013).
13.	Barred from the meeting of Parliament because it is not registered	Not mentioned	Not mentioned	Bojonegoro	In Bojonegoro, an NGO wants to be involved in the discussion of the meeting of Parliament. But was expelled because it is not registered(Sharing ofJoko Hadi Purnomo of Ivos Bojonegoro in East Java when the first NGO Council 23 September 2013).
14.	Socialization Invitation to NGO is uneven	Gasak NGO (Joint Solidarity Against Corruption) from Aceh	Kesbangpolinmas	Aceh	Never occurred any socialization of Kesbangpolinmas. NGOs fight, which is incorporated association, did not get an invitation. Other NGOs were also not invited, asked why Kesbangpolinmas NGO was not invited. Answer from Kesbangpolinmas was this invitation was not addressed to NGO but to organizations(Sharing during the event the council of NGO on 23 September 2013).

ANNEX 7

List of Cases utilising Article 106 and 110 of the Criminal Code against Political Expression in 2012 monitored by ICJR

NO.	NAME / NO MATTER	ARTICLE CRIMINAL	ACCUSATION
1	SEHU BLESMAN Alias MELKI BLESKADIT No. 574 K/Pid/2012	First, Article 106 of the Code of Penal Jo Article 55 paragraph (1) ke- 1e Book of Penal Or the second act of the defendant stipulated and punishable under Article 160 of the Criminal Law Act Jo Article 55 paragraph (1) ke- 1e Book of Penal.	In December 2010 at the entertainment stage Roads State Printing Sanggeng Manokwari, Manokwari District defendant, such as treason (aanslag) is done with the intention of conquering the area of State totally or partially under foreign rule or with the intention to separate party of that area, namely West Papua and Papua provinces or from the territory of the Republic of Indonesia (NKRI) into a sovereign State itself, namely the Republic of West Melanesia independent or State of West Papua Merdeka. Starting from the law dated December 11, 2010 on the invitation of worship and celebration that will be held on Tuesday, December 14, 2010 in commemorating the anniversary of the Republic of West Melanesian or West Papua ke- 22 of the Committee Anniversary of the Proclamation of Independence of the Republic of West Melanesia or Papua west ke- 22 signed by the defendant as Chairman of the Committee and the undertaking in the event.
2	SALAMIN alias AHMAD MUJAHID bin AHMAD BASAR No. 961 K/Pid/2012	Article 110 paragraph (1) Jo Article 107 Paragraph (1) Criminal Code	On Monday, May 23, 2011, at home Jl. Nusa Indah 3 Rt.04 Genuk Village, District West Ungaran, Semarang regency do conspiring to commit crimes Makar (aanslag) is done with the intention of overthrowing the government, namely the Republic of Indonesia (NKRI). The actions of the defendant done in a way - as follows joined the Islamic State of Indonesia (NII) in 1990 and Dibai ' at the Imam Panji Gumilang with the purpose of the establishment of " Islamic State of Indonesia " which proclaimed that reads " In the name of Allah, the most inexpensive and the all love, we the Muslims of Indonesia stated: " the establishment of the Islamic State of Indonesia " , the law applicable to the NII is Islamic law. Allah is the Greatest ! Allah is the Greatest ! Allah is the Greatest. Defendant I was appointed as coordinator of the Head of Finance, Central Java Province, located on Jl. Muradi 47 Kembangarum Village, District West Semarang, Semarang on duty to collect funds from region to region to be paid to the AL Zaytun boarding school in Indramayu bekedudukan, by transfer to an account in the name of US PANJI Gumi - LANG end of each month, as well open preaching Islamic struggle by name MADINAH INDONESIA with propaganda about how to convey the understanding Iman, Hijrah and Jihad so many community members are recruited and encouraged to move.
3	MUJONO AGUS SALIM alias NURDIN ABDULLAH bin SAMTO HARJONO No. 961 K/Pid/2012	Article 110 paragraph (1) Jo Article 107 Paragraph (1) Criminal Code	joined Pesantren Al Zaytun and in 2007 entered into the Organization HIWAJADI (Association of Guardians Pupils Central Java and Yogyakarta) as members and by Imam PAN-JI Gumilang defendant was appointed Chairman / Head of Region / Koordina tor Residency of Pekalongan (includes Batang, Pekalongan, Pemalang, Tegal and Brebes) which is in charge of recruiting students. and foster carers san-tri, then invited guardians of students to give donations or shodakoh

			to mahad of Al Zaytun, make a report to koordi-nator region of Central Java and Yogyakarta, because the organizational structure over the top is the central, provincial, residency, district and districts.
4	SUPANDI Als. MAHMUD Als. DANU Bin (Alm) SUHUD No. 970 K/Pid/2012	Article 110 paragraph (1) Jo Criminal Code Article 107 paragraph (1) Criminal Code	do conspiring to commit crimes Makar (aanslag) is done with the intention to overthrow the government namely the Republic of Indonesia (NKRI). The actions of the defendant conducted in the following manner do conspiring to commit crimes Makar (aanslag) is done with the intention to overthrow the government namely the Republic of Indonesia (NKRI). The actions of the defendant conducted in the following manner; began to join the NKA (Negara Islam Allah) or NII (Negara Islam Indonesia) where the defendant only as a private citizen in the organization. ordered by institutions or organizations KW IX Jakarta appointed as Head / Head in East Java Bojonegoro in charge in the field of recruitment and training of Members. In 2001 to 2004 on the orders of the defendant institutions / organizations NKA / NII East Java, the defendant 1. Supandi Als. MAHMUD Als. DANU Bin (late) Suhud appointed Head of Communications to hold and disseminate information related to the activities NKA / NII in East Java Bojonegoro particular area. then in 2005 to 2010 the defendant appointed Regional Head Bojonegoro, then in 2005 to 2010 the defendant appointed as the Head of Personnel of Central Java and Yogyakarta is located in Jl. Muradi No. 47 Village Kembangarum District of West Semarang, Semarang in Organizational Structure of the Islamic Society Building (MIM).
5	NUR BASUKI Als. ABDUL AZIZ Bin HADI PRAYITNO No. 970 K/Pid/2012	Article 110 paragraph (1) Jo Criminal Code Article 107 paragraph (1) Criminal Code	At accused of conspiring to commit crimes Makar (aanslag) is done with the intention to overthrow the government namely the Republic of Indonesia (NKRI). The actions of the defendant conducted in the following manner became a member of the NII in 1990, as an ordinary member until 2005, the next defendant, was appointed as the Coordinator of the Head of Finance, Central Java Province, located in Semarang, until on January 8, 2011 the defendant was sworn in as Head , Communication has the task to communicate the entire board of MIM.