Refugee Review Tribunal
AUSTRALIA

RRT RESEARCH RESPONSE

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Questions

1. Please provide a summary of the 1998 riots, particularly in Jakarta and also Surabaya. What happened to Chinese and/or Christians?
2. Please advise if there is any unrest at present, particularly against the Christians and/or Chinese in Jakarta and Surabaya.
3. Please provide information on the advances in relations with Chinese and/or Christians and the Indonesian authorities and Muslims.
4. Are the authorities willing and able to protect Chinese and/or Christians?

RESPONSE

1. Please provide a summary of the 1998 riots, particularly in Jakarta and also Surabaya. What happened to Chinese and/or Christians?

The May 1998 riots that predominantly targeted ethnic Chinese in Jakarta – as well as in other cities such as Surabaya, Surakarta and Palembang – are discussed thoroughly in question one of *Research Response IDN30246* (RRT Country Research 2006, *Research Response IDN30246*, 26 June – Attachment 1).

Question four of *Research Response IDN30694* also provides a thorough overview of the May 1998 riots in Jakarta and surrounding areas. Question five addresses the reported rapes and sexual abuse of Chinese women during the May riots (RRT Country Research 2006, *Research Response IDN30694*, 5 October – Attachment 2).

This month marked the ten year anniversary of the May 1998 riots; with many news sources re-visiting the riots and the impact on the ethnic Chinese community in Indonesia. Following are four news articles that discuss the May 1998 riots; including action taken this month by

State Minister for Women's Empowerment, Meutia Farida Swasono, who is pressing for an investigation by the Attorney General's Office (AGO) in to the "alleged May 1998 mass rape of mostly ethnic Chinese" (Maulia, E. 2008, 'Minister presses for investigation into reports of May 1998 rapes', *The Jakarta Post*, 24 May – Attachment 3; see also: 'Indonesian minister urges probe into 1998 May rapes' 2008, *BBC Monitoring Asia Pacific*, source: *Xinhua*, 24 May 2008 – Attachment 4).

On 17 May 2008, *The Jakarta Post* reported the screening of an anthology of short-films and a feature film that address the highly sensitive issue of the May 1998 violence; particularly the "gang-rapes of Chinese-Indonesian women". Pertinent extracts follow:

> An anthology of self-funded short films and one commercial film were separately screened on May 13-14 to commemorate – as well as remind the public not to fall into a state of denial of – two of the darkest days in the country's history that occurred on the exact same dates a decade ago.
>
> …Each of the film directors said they did not intend to open old wounds and that their films were made "carefully". They added their films would hopefully not offend certain groups in society and, more importantly, be presented in the spirit of "forgiving".
>
> …Both 9808 and May are vivid and blunt when bringing to the screen the collective memories of the 1998 riots -- the looting, the burning of buildings and the violence targeted toward the Chinese-Indonesians and their properties -- through the use of media images, documentation and testimonies.
>
> The case is different when they try to remind us of the most gruesome violence that occurred during the riots; the gang-rapes of Chinese-Indonesian women.
>
> This highly sensitive issue is ghastly murky: When the fact-finding team of the May Riots revealed that the rapings of Chinese women indeed occurred during the incident, confirming what had been widely rumored previously, a number of people, including Muslim hardliners, quickly denied the reports, saying there was no proof (Hermawan, A. 2008, 'Films tell the lost history of May riots', *The Jakarta Post*, 17 May – Attachment 5).

A May 2008 article by *Reuters* discusses the release of a new report issued by the National Commission on Violence Against Women; stating that victims of sexual violence during the 1998 riots are still too traumatised to speak out ten years after the incidents occurred. The pertinent extracts follow:

> An independent team set up to investigate the riots found that 85 mostly ethnic Chinese women were sexually assaulted, but authorities dropped the inquiry, citing a lack of evidence.
>
> Ten years later the victims remain silent because they fear for their safety and have no faith in the country's justice system, according to a new report issued by the National Commission on Violence Against Women.
>
> The general public's refusal to acknowledge that rapes took place means that there is little hope the victims will see justice, the report said.
>
> "Women who were victims of the May 1998 violence remain silent due to the limitation of the justice system and the continuing culture of impunity that has created a condition of insecurity," the report said.

> "Some officials still regard sexual violence during the May 1998 riots as a hearsay," it said.
>
> The report cited accounts from religious leaders and activists who have accompanied the victims. It said the victims were targeted because they were ethnic Chinese.
>
> "The May riot was a planned political event that took place amid a crisis of confidence in the New Order government led by President Suharto," it said.
>
> Some of the victims decided to move overseas while some others changed their identities in their efforts recover from the trauma ('Victims of 1998 Indonesia riots still silent-report' 2008, *Reuters*, 15 May – Attachment 6).

2. Please advise if there is any unrest at present, particularly against the Christians and/or Chinese in Jakarta and Surabaya.
3. Please provide information on the advances in relations with Chinese and/or Christians and the Indonesian authorities and Muslims.

Christians in Jakarta and greater Java

The current situation for Christians in East Java was addressed in an April 2008 research response; under the sub-headings 'Overview and recent developments in East Java' and 'Current assessments of religious tolerance and violence in Indonesia'. Attachments from this response can be provided on request (RRT Research Service 2008, *Research Response IDN33066*, 2 April – Attachment 7).

The US Department of State's most recent report on religious freedom in Indonesia states the following in relation to societal abuses or discrimination against Christians for 2006/2007:

> The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There was no change in the status of respect for religious freedom by the Government during the reporting period, and government policy continued to contribute to the generally free practice of religion. However, while most of the population enjoyed a high degree of religious freedom, the Government recognised only six major religions. Some legal restrictions continued on certain types of religious activity and on unrecognised religions. The Government sometimes tolerated discrimination against and the abuse of religious groups by private actors and often failed to punish perpetrators. While Aceh remained the only province authorized to implement Islamic law (Shari'a), several local governments outside of Aceh promulgated laws implementing elements of Shari'a that abrogated the rights of women and religious minorities. The Government did not use its constitutional authority over religious matters to review or overturn these local laws. Persons of minority religious groups and atheists continued to experience official discrimination, often in the context of civil registration of marriages and births or the issuance of identity cards.
>
> The public generally respected religious freedom; however, extremist groups used violence and intimidation to force eight small, unlicensed churches and one Ahmadiyya mosque to close. In addition several churches and Ahmadiyya places of worship that were forcibly shut in previous years by mobs remained closed. Some government officials and mass Muslim organisations continued to reject the Ahmadiyya interpretation of Islam resulting in discrimination against its followers. Many perpetrators of past abuse against religious minorities were not brought to justice. Also, instances of extremists attacking and attempting

to terrorise members of other religions occurred in certain provinces during the reporting period.

…In April 2007, Malang police arrested eight persons accused of disseminating a "prayer training" video produced by the College Student Service Organization in Batu, East Java. The video allegedly depicts 30 Christians being instructed by their leader to put Qur'ans on the floor at a December 2006 gathering. Following the initial arrests, an additional 33 persons were detained under blasphemy charges in connection with the videos. Christian church leaders denied allegations that Christians were involved in the production or distribution of the videos. At the end of the reporting period, the 41 persons detained were still awaiting trial.

…The Indonesian Christian Communication Forum claimed that eight small, unlicensed churches in West Java were shut down during the reporting period by Muslim extremist groups despite a 2 year grace period contained in the revised regulation for houses of worship to obtain permits per the new requirements. In 2006 militant groups forcibly closed two churches without police intervention. Another 20 churches closed in 2006 under pressure from militant groups after the promulgation of the revised decree remain closed, according to the Forum. While often present, police rarely acted to prevent forced church closings and sometimes assisted militant groups in the closure. In early June 2006 the central Government announced its intentions to crack down on vigilantism by militant religious groups against places of worship as well as other targets. At the end of the reporting period, there were no specific reports of action.

…In September 2005 an East Java court sentenced each of six drug and cancer treatment counselors at an East Java treatment center to 5 years in prison and an additional 3 years in prison for violating key precepts of Islam by using paranormal healing methods. A local MUI edict characterised their center's methods as heretical. Police arrested the counselors while they tried to defend themselves from hundreds of persons who raided the center's headquarters. The center was shut down and the six counselors began serving their sentences during the reporting period.

In August 2005, East Java's Malang District Court sentenced Muhammad Yusman Roy to 2 years imprisonment for reciting Muslim prayers in Indonesian, which MUI declared tarnished the purity of Arabic-based Islam. Roy was released from prison on November 9, 2006, after serving 18 months of his sentence (US Department of State 2007, *International Religious Freedom Report for 2007 – Indonesia*, September 14 – Attachment 8).

In its 2008 report, Human Rights Watch (HRW) states the following with regard to freedom of religion in Indonesia; highlighting incidents involving Christian church closures; the assault of a Pastor's wife and teenager in West Java; and the conviction of 41 members of a Christian student organization in East Java for blasphemy against Islam. Pertinent extracts follow:

Religious extremists forcibly closed more places of worship of religious minorities, with little response from local authorities. On June 3 a large group of people stormed a Sunday school session of a Christian congregation in Soreang, West Java, assaulting the pastor's wife and a teenager, and destroying church property. A week later the same group attacked a church in Garut, forcing the pastor and his congregation to flee for safety to another village.

In September in Malang, East Java, 41 people were convicted of blasphemy against Islam and each sentenced to five years' imprisonment. The defendants had been arrested in May for making a videotape denouncing the Quran. Those convicted were all members of the

> Lembaga Pelayanan Mahasiswa Indonesia, a mainly student organization active in disaster relief (Human Rights Watch 2008, *Indonesia*, 31 January – Attachment 9).

On 28 February 2008, Christian advocacy publication *Compass Direct* published an article discussing the increase in radical Islam in West Java; alleging the near impossibility of obtaining an official permit for a Christian place of worship. Pertinent extracts follow:

> DUBLIN, February 27 (Compass Direct News) – Almost eight months have passed since Dr. Rebekka Zakaria, Eti Pangesti and Ratna Bangun walked free from a prison in Indramayu, West Java, having served two years of a three-year sentence for allegedly using deceit to "Christianize" Muslim children.
>
> …Three churches in Harguelis now travel to Pamanukan for Sunday worship, while Muslim neighbors freely attend mosques in the village. But GKKD, forbidden to meet in pastor Zakaria's home since Muslim radicals protested in December 2004, has been unable to secure a church permit.
>
> …Under the revised decree, any group applying for a permit must have 90 adult members with identification cards, and ID numbers must be provided with the application. Zakaria's church has only 75 members, including children.
>
> In addition, at least 60 neighbors must give their written consent before an application is made.
>
> …West Java is home to several radical Muslim groups, including the Anti-Apostasy Movement Alliance. Radicals showed up in force at the trial hearings, waving banners, shouting death threats and warning the judges that blood would be shed if they did not issue a guilty verdict.
>
> Fearing intimidation from such groups, moderate Muslims are reluctant to give written consent for church applications.
>
> Many congregations in West Java have fewer than 90 members. Most live in Muslim-dominated communities – Indramayu, for example, is 99 percent Muslim. In practice, this means it is impossible for most churches in the province to apply for a permit.
>
> "Even if a church meets all the requirements and hands in an application, officials may not bother to read it," another local source, who preferred to remain anonymous, told Compass. Often churches don't get a response for months, he added, and the response is almost always negative.
>
> At the same time, many of the several mosques in Harguelis and surrounding areas operate without official permits (Page, S. 2008, 'Religious freedom still elusive in West Java, Indonesia', *Compass Direct*, 27 February – Attachment 10).

Ethnic Chinese in Jakarta and greater Java

An April 2008 article by *The Jakarta Post* provides an assessment of the current attitudes of young Chinese-Indonesians in Jakarta towards the past abuses under the New Order regime, and the slow journey towards the current environment of tolerance. The article states that "young Chinese Indonesians in Jakarta seek to fight racial discrimination and the age-old patron-client formula":

Ask any Chinese Indonesian if they want to join a political party and chances are they will answer in the negative.

“You have to know your place in society,” is the usual answer, or “Politics is not our domain.”

It is a standard answer, a legacy of the past New Order regime, which taught them to stay out of politics.

Those were the days when Chinese Indonesians grew their moustaches to narrow the gap of physical differences with their fellow Indonesians, converted to Islam in the hope to get equal treatment and donned sunglasses to hide their slanted eyes.

“Fear is inherent in every Chinese Indonesian,” said Didi Kuartanada, a PhD candidate for history from the National University of Singapore, at a recent discussion.

Persecution of Chinese Indonesians dates back to 1740 during the Dutch colonial period, when thousands of them were murdered in Batavia.

People have a habit of viewing Chinese descendants in a political light, whether they are loyal or disloyal to the country, said Didi.

Indonesian people, including the elite, belive [sic] working with money is evil and shows an alliance with the devil. Hence, Chinese Indonesians are an obvious scapegoat.

Change came after the 1998 political reformation.

It is now possible for Indonesians of Chinese descent to set up organizations, although it has always been in the Constitution. It was only in 2000, Chinese Indonesian artists had the guts to openly admit their racial background. Under the Soeharto government, Mongolian faces rarely appeared on television.

A number of young Chinese Indonesians in Jakarta seek to fight racial discrimination and the age-old patron-client formula.

These young Chinese descendants launched their new book here on March 28, followed by a discussion.

Fear lurked behind the book's publication. Speaking at the launch, former student leader Suma Mihardja said some had turned down invitations to write for the book for fear of possible backlash.

…Edited by Ivan Wibowo, the book enlists writers such as Ester Indahyani Jusuf, Ponijan Liauw, Suma Miharja, Ulung Rusman, Christine Susanna Tjhin, Mohammad Gatot and Ignatius Haryanto.

The articles address issues about the military, corruption, ethnic conflict, Islam, soccer and political reformation (Bhaskara, H. 2008, ‘Fear haunts ethnic Chinese’, *The Jakarta Post*, 11 April http://old.thejakartapost.com/yesterdaydetail.asp?fileid=20080411.E02 – Accessed 28 May 2008 – Attachment 11).

The US Department of State's most recent report on human rights practices in Indonesia provides no information on violence against ethnic Chinese for 2007 in Jakarta. However, notes that laws and regulations still exists that discriminate against ethnic Chinese. Pertinent extracts follow:

> Ethnic Chinese accounted for approximately 3 percent of the population, by far the largest nonindigenous minority group, and played a major role in the economy. Instances of discrimination and harassment of ethnic Chinese continued to decline compared with previous years. Recent reforms increased religious and cultural freedoms. However, some ethnic Chinese noted that public servants still discriminated against them when issuing marriage licenses and in other services and often demanded bribes for a citizenship certificate, although such certificates were no longer legally required. An attorney advocate for the rights of ethnic Chinese noted 50 articles of law, regulation, or decree that discriminated against ethnic Chinese citizens. NGOs such as the Indonesia Anti‑Discrimination Movement urged the government to revoke the remaining discriminatory articles (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Indonesia*, 11 March – Attachment 12).

Research Response IDN31639 of April 2007 provides pertinent information on the situation for Chinese and Christians in Jakarta and greater Java. No major incidents of violence were located in the sources consulted; incidents reported relate to a home-made video, produced by a Christian group, that was deemed offensive to Muslims; the Anti Apostasy Division monitoring a Christian church; and an alleged threat to a former vice chancellor of Satya Wacana Christian University in Central Java (RRT Research Service 2007, *Research Response IDN31639*, 17 April – Attachment 13).

In March 2007 John T. Sidel, from the London School of Economics and Political Science, produced an assessment of the situation for minorities in Indonesia in a report commissioned by the United Nations High Commissioner for Refugees, Status Determination and Protection Information Section (DIPS). The following extracts provide an assessment of recent developments for ethnic Chinese-Indonesians:

> **4.3 Recent Developments**
>
> With the transition from Suharto's authoritarian regime to democracy, however, anti-Chinese violence gradually faded away. It was certainly the case that the second half of 1998 and early 1999 saw manifold forms of popular mobilization and attacks on property across the archipelago, with countless land seizures, lootings, and other such acts under conditions of considerable uncertainty and vulnerability for the country's – overwhelmingly ethnic-Chinese – business class. However, such attacks on property soon dwindled as the Habibie government, eager to restore investor confidence in Indonesia and to win business backing in the elections held in mid-1999, re-established order and reassured ethnic-Chinese Indonesians of their place in Indonesian society.
>
> Indeed, since 1999, Indonesia's ethnic-Chinese minority has enjoyed unprecedented gains in terms of its emancipation from previous forms of discrimination, harassment, and persecution. Restrictions on the public use of Chinese characters, on the public display of Chinese culture, on Chinese-language education, and on Chinese forms of religious worship were eliminated. Confucianism was accorded official state recognition, and the Chinese New Year was made into a public holiday. Direct participation in politics by ethnic-Chinese Indonesians became possible and attracted the energies of many members of this small but disproportionately wealthy and well-educated community. The turn of the twentyfirst century

saw the proliferation of new associations, NGOs, and political parties founded and led by ethnic-Chinese Indonesians. The establishment of competitive elections as the mechanism for gaining control over local and national state office, moreover, increased the leverage of private businessmen – including those of Chinese descent – vis-à-vis politicians, civil servants, military and police officers. In both formal and informal terms, in politics and society, the position of the ethnic-Chinese minority has thus been considerably improved (Sidel, J. 2007, 'Indonesia: Minorities, Migrant Workers, Refugees, and the New Citizenship Law', UNHCR Refworld website, March, p.14 http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=463ae6272&skip=&query=ambon&searchin=title&display=10&sort=date – Accessed 14 December 2007 – Attachment 14).

4. Are the authorities willing and able to protect Chinese and/or Christians?

Question four of *Research Response IDN31354*, completed in February 2007, addresses the issue of whether authorities are willing and able to protect Christians in Indonesia. The response notes that there are instances where authorities have taken action to protect Christians; however also noted that "police almost never acted to prevent forced church closings and sometimes assisted militant groups in the closure" (RRT Research & Information 2007, *Research Response IDN31354*, 14 February – Attachment 15).

List of Sources Consulted

Internet Sources:
http://www.google.com

Databases:
FACTIVA (news database)
BACIS (DIAC Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)
RRT Library Catalogue

List of Attachments

1. RRT Country Research 2006, *Research Response IDN30246*, 26 June.

2. RRT Country Research 2006, *Research Response IDN30694*, 5 October.

3. Maulia, E. 2008, 'Minister presses for investigation into reports of May 1998 rapes', *The Jakarta Post*, 24 May. (FACTIVA)

4. 'Indonesian minister urges probe into 1998 May rapes' 2008, *BBC Monitoring Asia Pacific*, source: *Xinhua*, 24 May 2008. (FACTIVA)

5. Hermawan, A. 2008, 'Films tell the lost history of May riots', *The Jakarta Post*, 17 May. (FACTIVA)

6. 'Victims of 1998 Indonesia riots still silent-report' 2008, *Reuters*, 15 May. (FACTIVA)

7. RRT Research Service 2008, *Research Response IDN33066*, 2 April.)

8. US Department of State 2007, *International Religious Freedom Report for 2007 – Indonesia*, 14 September.)

9. Human Rights Watch 2008, *Indonesia*, 31 January.

10. Page, S. 2008, 'Religious freedom still elusive in West Java, Indonesia', *Compass Direct*, 27 February. (CISNET Indonesia CX194216)

11. Bhaskara, H. 2008, 'Fear haunts ethnic Chinese', *The Jakarta Post*, 11 April http://old.thejakartapost.com/yesterdaydetail.asp?fileid=20080411.E02 – Accessed 28 May 2008.

12. US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Indonesia*, 11 March.

13. RRT Research Service 2007, *Research Response IDN31639*, 17 April.

14. Sidel, J. 2007, 'Indonesia: Minorities, Migrant Workers, Refugees, and the New Citizenship Law', UNHCR Refworld website, March, p.14 http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=463ae6272&skip=&query=ambon&searchin=title&display=10&sort=date – Accessed 14 December 2007.

15. RRT Research & Information 2007, *Research Response IDN31354*, 14 February.