

Table of Contents

- ***In conservative Indonesia, a gay ex-policeman takes his battle to court***
- ***Aceh, gay couple risks 100 lashes for 'sodomy'***
- ***Amnesty condemns TNI for anti-LGBT campaign following soldier's dismissal, imprisonment***
- ***Indonesia: Investigate police raid on 'gay party'***
- ***Indonesia police will not bring murder charges in case of transgender woman burned to death***

In conservative Indonesia, a gay ex-policeman takes his battle to court

Tri Teguh Pujiyanto, a 31-year-old former police brigadier was fired in 2018 after 10 years on the job, after police apprehended him and his partner.

By Stanley Widianto

Reuters (09.12.2020) - <https://bit.ly/2WjIASL> - The first gay Indonesian policeman to sue the conservative country's police force for wrongful dismissal due to sexual orientation was back in courts this week, determined to be reinstated.

Tri Teguh Pujiyanto, a 31-year-old former police brigadier was fired in 2018 after 10 years on the job, after police in a different town apprehended him and his partner on Valentine's Day when they were saying goodbyes at his partner's workplace.

The landmark case in the world's largest Muslim-majority nation was initially thrown out last year after a judge told Teguh he had to wait until the police internal appeals process was completed. That is now over and Teguh refiled his suit in August in what rights groups say is the first case of its kind.

"This is my fight, my last-ditch effort," Teguh told Reuters.

"Why won't they judge my service for all those years? Why exaggerate my mistakes, which I don't think were mistakes anyway?"

With the exception of sharia-ruled Aceh province where same-sex relations are banned, homosexuality is not illegal in Indonesia although it is generally considered a taboo subject.

The Southeast Asian country is, however, becoming less tolerant of the lesbian, gay, bisexual and transgender (LGBT) community as some Indonesian politicians become more vocal about having Islam play a larger role in the state.

A survey by the Pew Research Center this year also showed that 80% of Indonesians believe homosexuality "should not be accepted by society".

Discrimination and violent attacks against LGBT people have increased in recent years and police have prosecuted members of the community using anti-pornography and other laws. Lawmakers from four political parties this year have also been trying to garner support, so far unsuccessfully, to pass a bill requiring LGBT people to seek treatment at rehabilitation centres.

The Central Java police have accused Teguh of violating "ethical codes of the national police... by the deviant act of having same-sex intercourse," a court document shows.

Teguh's legal team said they are challenging what they call the "elastic" nature of the police code of conduct given there is no mention of sexual orientation in police regulations.

Representatives for the Central Java Police, National Police and the National Police Commission did not respond to Reuters requests for comment.

Dede Oetomo, a gay scholar who runs the advocacy group GAYa NUSANTARA, said Teguh had made history, whether he wins his case or not.

"He's broken the mould because he's brave," he said. "My hope is that more activists will emerge from cases like his."

Teguh now runs a barber shop, a side business that he started in 2013. He said he's always had the support of family and his friends in the force for his efforts to regain what has been his dream job since high school.

Asked why he is persevering, Teguh said he was fighting not only for himself.

"I want to fight for basic human rights, so there will no longer be arbitrary actions taken against minorities," he said.

Aceh, gay couple risks 100 lashes for 'sodomy'

Attacked by a crowd and handed over to the provincial police authorities. The province is governed by Islamic law, which prohibits homosexual relations. If convicted, the two men will be flogged in public.

By Mathias Hariyadi

AsiaNews.it (21.11.2020) - <https://bit.ly/3q2fTaf> - A gay couple risks 100 lashes for "illegal sexual orientation". The two men will be tried by a Koranic court within 20 days.

On November 14, a crowd broke into the home of the 26-year-old M.U. and 34-year-old T.A. in Kuta Alam (Aceh), forcefully dragging them to the Public Order Agency of the provincial capital.

Aceh is the only Indonesian province where Sharia, the Islamic law, is in force. Article 63 of the local criminal code (Qanun Jinayat) prohibits homosexual practices, considering them acts of sodomy.

Elsewhere in the rest of the country, same-sex relationships are allowed, except when they involve minors. Human Rights Watch, however, points out that Indonesian authorities often resort to pornography law to persecute the LGBT community.

If convicted, the two people attacked in Kuta Alam will be flogged in public. Alternatively, the Qanun Jinayat provides for the payment of one kilogram of gold or a maximum sentence of about eight years in prison.

Amnesty condemns TNI for anti-LBGT campaign following soldier's dismissal, imprisonment

By Moch. Fiqih Prawira Adjie

The Jakarta Post (18.10.2020) - <https://bit.ly/3e0szJj> - Amnesty International Indonesia has condemned the Indonesian Military (TNI) for the recent imprisonment and dismissal of a soldier for having same-sex intercourse with another officer, calling the sentence unjust and dangerous to the community.

"This unjust sentence should be immediately overturned and the individual immediately released. No one should be persecuted based on their actual or perceived sexual orientation," Amnesty International Indonesia's executive director Usman Hamid said in a press statement on Saturday urging the military to end its campaign against the community.

He argued that the ruling would set a dangerous precedent for other service members thought to have engaged in consensual same-sex activities.

"It further enshrines discrimination and risks inciting violence against perceived LGBT people inside the military and in wider society," Usman said.

The Semarang Military Court declared a chief private, identified only as P, guilty of violating Article 103 of the Military Criminal Code on disobedience to service orders, after being found having sex with a subordinate in the Armed Forces. The court sentenced him to one-year imprisonment and dishonorably dismissed him from the military.

Amnesty, he said, urged the government to send a clear message to the public that discrimination on the basis of sexual orientation or gender identity would not be tolerated, including in the military. He highlighted that state institutions should lead by example and not undermine commitments to human rights' protections.

"Indonesia has to repeal this archaic and discriminatory provision in the criminal code and other regulations. The government must reform when it comes to the rights of LGBT people," he added.

According to Amnesty records, this was not the first case of a soldier being prosecuted because of their perceived sexual orientation. A military officer in Denpasar, Bali, was convicted in March under the same article for having same-sex consensual relations with three men. The officer filed for an appeal but the Surabaya Military High Court backed the martial court in Denpasar.

Usman further said that criminalization of consensual same-sex conduct violated rights to privacy and to freedom from discrimination as stipulated in the International Covenant on Civil and Political Rights (ICCPR).

The TNI, however, has defended the sentence against P, arguing that homosexuality in the force would be met with firm punishment.

Lini Zurlia, an advocacy officer of the cross-border organization for LGBT rights ASEAN SOGIE Caucus, also criticized the punishment. She argued that the officer's sexuality was a private matter, adding that the ruling could have further impacts on members of the Indonesian LGBT community.

The National Police also announced that the force would hand down ethics punishments to personnel found to engage in LGBT activity following the reports of alleged LGBT members in the military, spokesman Brig. Gen Awi Setiyono said.

"The police will take firm action, a code of conduct sanctions awaits," Awi said, referring to regulations such articles in the 2014 National Police code of ethics that stipulate that all personnel should follow moral, religious and legal norms as well as local wisdom.

While homosexuality is not illegal in Indonesia, there has been growing anti-LGBT rhetoric in the past years with members of the community facing discrimination and hate crimes.

Indonesia: Investigate police raid on 'gay party'

Authorities exploiting pornography law to target LGBT people.

HRW (07.09.2020) - <https://bit.ly/3ih5WBR> - The Indonesian government should urgently investigate a police raid on a private gathering of 56 men in Jakarta that highlights the threat to the rights of lesbian, gay, bisexual, and transgender (LGBT) people in the country, Human Rights Watch said today. On August 29, 2020, police forcibly broke up a party at a hotel, arresting nine men and charging them with the crime of "facilitating obscene acts" and under the pornography law, which discriminates against LGBT people.

The charges violate the rights to privacy, association, and equal protection of the law and should immediately be dropped.

"This latest raid fits into a disturbing pattern of Indonesian authorities using the pornography law as a weapon to target LGBT people," said Kyle Knight, senior LGBT rights researcher at Human Rights Watch. "The government has been inciting hostility toward LGBT people for several years, and there is no accountability for abuses such as police raids on private spaces."

Article 296 of Indonesia's criminal code makes it a crime for someone to make "an occupation or a habit of intentionally causing or facilitating any obscene act by others." The maximum penalty is 16 months in prison.

The Jakarta raid is part of a years-long pattern of authorities unlawfully apprehending LGBT people in private spaces. Indonesia's central government has never criminalized same-sex behavior, but no national laws specifically protect LGBT people against discrimination. An uptick in anti-LGBT rhetoric and attacks since 2016 has resulted in the application of discriminatory clauses in the pornography law to target LGBT people for arrest and prosecution.

Indonesia's 2008 Law on Pornography prohibits the "creation, dissemination or broadcasting of pornography containing deviant sexual intercourse," which it defines to include: sex with corpses, sex with animals, oral sex, anal sex, lesbian sex, and male homosexual sex. Article 36 of the Pornography Law, which criminalizes facilitating obscene acts for a commercial purpose, has a maximum penalty of 10 years in prison.

A group of activists, including LGBT organizations, attempted to challenge the law in the Constitutional Court in 2009, but the court declined to review it.

While historically the law was not used to target LGBT people specifically, in recent years police have used it as a pretext for arbitrary raids and arrests, and courts have found gay men in private gatherings guilty under the law.

In September 2017, a court in Surabaya found seven men who had been arrested during a police raid on a gay party in April of that year guilty under the pornography law and sentenced them to between 18 months and 30 months in prison.

In October 2017, Jakarta police raided a club popular with gay men, arresting 58 people. Police released most of them the same day but detained five employees of the club – four men and a woman – and threatened to charge them with violating the pornography law. They were subsequently released without charge.

On December 15, 2017, the North Jakarta District Court sentenced 10 men to between two and three years in prison for violating the pornography law. Police had apprehended the 10, along with 131 others, during a raid on the Atlantis Gym, a sauna frequented by gay men in Jakarta, in May 2017. The 10 were convicted based on allegations that they were naked at the time of the raid, citing the law's prohibition on performances that involve stripping.

In January 2018, police in Cianjur, West Java province, raided a private home where five men had gathered. Citing the pornography law, the police told reporters the men were caught at a "sex party," using condoms and lubricant as evidence.

In a development similar to the application of the pornography law, in January 2020, the mayor of Depok, a city in West Java, ordered police to raid private residences to look for "immoral acts" and "prevent the spread of LGBT." The National Human Rights Commission (Komnas HAM) condemned the order, saying such rhetoric from public officials increases the risk of persecution of LGBT people.

According to the police report of the recent Jakarta raid, a 31-officer police unit, under Adjunct Police Commissioner Jerry Raimond Siagian, had apparently been monitoring the private gathering and organized the raid.

Privacy rights are a fundamental protection that underlie everyone's physical autonomy and identity and include protections for private adult consensual sexual behavior, Human Rights Watch said. The United Nations Human Rights Committee, the independent body of experts that interprets the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is party, has stated, "It is undisputed that adult consensual sexual activity in private is covered by the concept of 'privacy.'"

Indonesia has been a champion for privacy rights internationally, co-sponsoring a UN Human Rights Council resolution on the right to privacy. In the report on that resolution, the Office of the UN High Commissioner for Human Rights reminded governments that privacy rights (enshrined in ICCPR article 17) should be upheld jointly with the right to nondiscrimination (ICCPR, article 26).

Indonesian police should halt arbitrary raids on private spaces, investigate those that have taken place, and punish those who took part in the raids and those responsible in their chain of command, Human Rights Watch said. President Joko "Jokowi" Widodo, who has voiced support for LGBT Indonesians in the past, should make clear the prohibition against discriminatory behavior by the police.

The Indonesian parliament should also substantially revise the proposed new criminal code to meet international human rights standards. It contains articles that will violate the rights of LGBT people. It has provisions that will punish extramarital sex by up to one year in jail. While this article does not specifically mention same-sex conduct, since same-sex relationships are not legally recognized in Indonesia, this provision effectively criminalizes all same-sex conduct.

"The combination of exploiting the discriminatory pornography law and a lack of accountability for police misconduct has proved to be both dangerous and durable," Knight said. "So long as the government permits police raids on private gatherings under a discriminatory law, it will fail to curb anti-LGBT harassment and intimidation."

Indonesia police will not bring murder charges in case of transgender woman burned to death

Reuters (08.04.2020) - <https://reut.rs/2KgDSz7> - Indonesian police said on Wednesday they would not bring murder charges against suspects accused of killing a transgender woman by dousing her with petrol and setting her on fire.

The 43-year-old died on Sunday from burns sustained in the incident a day earlier. Her death was reported by Indonesian media on Tuesday.

Police said on Wednesday they believed the suspects who set the fire had not burned her intentionally. They identified six suspects, three of whom had been arrested.

Budhi Herdi Susianto, the North Jakarta police chief, said the suspects had accused the woman of stealing and doused her with petrol. One of the suspects had lit a match, but did not intend to burn her, the police chief said.

The suspects could be charged with physical violence, carrying a maximum sentence of 12 years.

Usman Hamid, the Indonesian representative of Amnesty International, told Reuters it seemed too early for the police to conclude that there was no intent to set the woman on fire.

"The police need take investigative actions that are impartial and independent. They can't seem like the perpetrators' lawyers," he said.

Andreas Harsono, a researcher with Human Rights Watch, said the incident was indicative of a rise in hostility and vilification of the lesbian, gay, bisexual and transgender (LGBT) community.

"Her death should be a reminder to many Indonesians that transgender women deserve justice and equal rights," he said.

"Thousands of transgender women, gay men or lesbian women have been humiliated in Indonesia these past few years."

Homosexuality is not regulated by law in Indonesia, except in Aceh province where same-sex relations are banned under sharia law. But growing social and religious conservatism has driven escalating vitriol toward sexual minorities in the world's most populous Muslim-majority country.

Indonesia's transgender community is locally known as "waria" - a combination of the Indonesian words for "woman" and "man."
