

**NGO-Security Service Engagement to
Stem Human Rights Abuses in Indonesia**

**Report for
Mid-Term Evaluation**

Submitted to:



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December, 2013

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GLOSSARY

ASKOBI	Association of Bomb Victims in Indonesia
BNPT	<i>Badan Nasional Penanggulangan Terorisme</i> (National Counter-Terrorism Agency)
Densus88	<i>Detasemen Khusus 88</i> (Special Detachment 88)
ELSAM	<i>Lembaga Studi dan Advokasi Masyarakat</i> (Institute for Policy Research and Advocacy)
IDSPS	Institute for Defense, Security and Peace Studies
KOMNAS HAM	<i>Komisi Nasional Hak Asasi Manusia</i> (National Commission on Human Rights)
KOMPOLNAS	<i>Komisi Kepolisian Nasional</i> (National Commission on Indonesian Police)
KONTRAS	<i>Komisi Untuk Orang Hilang dan Korban Kekerasan</i> (The Commission for the Disappeared and Victims of Violence)
LBH	<i>Lembaga Bantuan Hukum</i> (Legal Aid Institute)
VHR	Voice of Human Rights
IMPARSIAL	Indonesian Human Rights Monitorer
INSEP	Indonesian Institute for Society Empowerment
PERKAP HAM	<i>Peraturan Kapolri tentang Implementasi Prinsip dan standar Hak asasi Manusia</i> (Chief of Police Departement Regulation Number 8 on the Implementation of Human Right Principles and Standard)

EXECUTIVE SUMMARY

One unfamiliar with Indonesia may find it surprising that the challenge for counter-terrorism activities in Indonesia does not only come from groups that share terrorist ideology, but also come from those against terrorism. This unique challenge pertains the tension between security personnel charged by combating terrorism and civil society leaders who are concerned with human right violation perpetrated by the security personnel. This report is a mid-term evaluation of a two year project to transform the adversarial relation between the security personnel and civil society leaders into a constructive relations. The project run a series of meeting and training to facilitate engagement between the security personnel and civil society leaders.

Using qualitative method, this report records key dynamic that can be used to evaluate the relevance, effectiveness and coherence of this project. Four key findings emerge. First, the project has helped transferring new knowledge to security personnel that can strengthen their capacity in upholding human right principles in counter-terrorism activities. Level of knowledge about human right however is not always essential. In some cases security personnel already have a good awareness in human right principles. Their challenge in implementing the principles sometime lies on structural challenge and ability to translate the principles in dilemmatic situations.

Second, stakeholder meetings and training programs created spaces for engagement between security personnel and civil society leaders. The engagement has helped identifying gaps of perception and communalities that can be addressed to transform the current tension into constructive relations. However, trust between both parties remains low. Despite openness for engagement and acknowledgement of communalities, suspicion and between both parties is still high. This situation can limit the required level of openness for a meaningful engagement. In addition to the problem of trust, the project activities also need to create more spaces for engagement in the form of informal sessions.

Third, this project faces a challenge in the recruitment of relevant participants. This challenge is due to structural condition such as the requirement for screening the participants and lack of institutional support for security personnel participation in the program. New strategies or institutional agreement that fully back security personnel participation in the program is critical for the success of next phase of the project.

Despite those challenges, a major progress made by this project is the opening of spaces for constructive engagement between Densus and civil society actors who have been critical of Densus. This have for example brought about a numerous informal meetings that are not included in the planned project activities. Spontaneous meetings between Densus and civil society actors to respon recent issues in counter-terrorism operations shed a light for further more constructive relation between Densus and civil society actors. In its first year, this project has shown its significance in strengthening counter-terrorism agenda in Indonesia.

INTRODUCTION

This mid-evaluation report is to capture the dynamic of transformation of the tension between the Indonesian security forces in combating terrorism called 'Densus 88' in one side and human right activists and civilian actors on the other side. It is assumed that the conflict between the parties is mainly due to the difference of perception on human right violation perpetrated by the Densus in the counter-terrorism operation. This mid-term evaluation assesses the relevance, effectiveness and coordination or coherence of the project activities in meeting this objective. It is important to note that this report is written as a mid-term evaluation of the two year project. As such, it is more focused on the process of transformation toward a less adversarial relation between the Densus and civil society rather than measuring the ultimate impact of the project.

The audience of this report is mainly those responsible in the management of this project. This report discusses key achievements and weakness of the project. Project team may use this as a basis for improving the project quality in the second year of the project by strengthening the achievements and addressing the weaknesses. This report may also be useful for the donor to evaluate or develop its further relation with the Search for Common Ground in counter-terrorism project and for evaluating its other similar projects.

PROJECT OVERVIEW

This project aims at transforming the adversarial relation between Densus and civil society actors. This is considered important to improve the credibility of Densus and ultimately strengthen the role of security personnel in countering the threat of terrorism. To meet this objective, this project has run three main activities; they are (a) organize meetings to facilitate engagements between key civil society actors and security personnel, (b) trainings for security personnel in human right and conflict transformation that will not only strengthen the capacity of security personnel in upholding human right principle but also bring them into a constructive engagement with civil society leaders, (c) policy intervention in the form of publishing policy brief on international legal framework for counter-terrorism activities that respect human right principles, and (c) media-based monitoring of the Densus counter-terrorism operation. The project team expected that these activities will help transforming the adversarial relationship Densus civil society actors into one of constructive engagement in order to stem human right abuses within the Indonesian police.

The parties identified as critical in this issue are:

- members of the Densus 88
- key human right NGOs that pay attention to the Densus 88's operations, and
- civilian leaders who could influence decision-making authority.

As laid out in its theory of change, the project assumes that three factors are keys in the capacity of security personnel in upholding human right principle as well as their tension with NGOs and civilian leaders; they are:

- the capacity of the security personnel in understanding human right and conflict resolution principles,
- lack of interaction between human right NGOs, peacebuilding activists with security personnel that can foster understanding and collaboration between them, and
- lack of comprehensive information about the human right abuses in the security sectors among civilian leaders.

In its first year, this project has conducted the following activities:

- It started in September 2012 with numerous meetings or coordination with the contact persons in Densus. Even though there was a slight delay due to Densus counter-terrorism operations, this critical stage of preparation was completed with a reassurance of commitment from Densus to take part in the project. This was followed by a meeting with local partners (LBH and IDSPS) on 12 December 2012 to prepare the implementation of the project. This marked the "kick off" of the project.
- Soon in January 2013, a baseline assessment tool was developed. The tool that was used to map actors and concerns in counter-terrorism activities among stakeholders, compiled targeted audience and assessed public perception of the Densus.
- Run two stakeholder meetings and one multi-stakeholder meeting in March 2013. The first stakeholder meeting specifically targeted human right NGOs and soon followed by another meeting that specifically targeted security personnel and representatives of relevant government agencies that are identified as civilian leaders. The list of participants shows involvement of key human right NGOs and

civilian institutions such as Kontras, Setara, Association of Bomb Victims in Indonesia (ASKOBI), LBH Jakarta, ELSAM, IMPARSIAL, INSEP and Wahid Institute from human right organizations and BNPT, Densus 88, Directorate General of Human Right, Ministry of Law and Human Right, and National Police Commission from the government agencies. As the two stakeholder meetings brought security personnel and human right activists separately, this was followed by a multi-stakeholder meeting that brought 25 participants from all components of stakeholders. The meeting facilitated exchanges of perspectives among diverse participants on key issues in counter-terrorism activities, especially with regard to human right violation. These were expected to map key issues and assess potential participants for further engagement program.

- The above formal meetings were strengthened by numerous informal multi-stakeholder meetings, which were not included in the planned project's activities. These meetings took place in response to recent incidents of counter-terrorism operation. For example, an informal meeting took place on 22 May after Densus raids in five provinces. The raids have intensified criticisms against Densus. Komnasham published a report of human right violations perpetrated by Densus. In this period harsh criticism against Densus came from civil society actors including a demand for the dissolution of Densus. The meeting that brought human right activists and representative from Densus served as an engagement space that allowed parties to exchange concerns and seek clarification.
- Published a policy brief on international legal framework and experience in counter-terrorism activities. At the time of the writing of this report, another policy brief is currently written on the legal situation and role of Indonesian parliament in assuring implementation of human right principles in counter-terrorism activities. The briefs were expected to be used as one of the key resources in the engagement activities.
- Developed a curriculum for human right and conflict resolution training for security personnel. The process of curriculum development includes a meeting that brought project consultants of human right NGOs and representatives of Densus. The first curriculum was revised after the first batch of the training.
- Conducted four series of training on human right and conflict transformation for security forces. The training was used as a method for facilitating engagement

between security forces and civil society. This was carried out by bringing human right activist and civil society leaders as speakers or facilitators in the training.

The project team expected that these activities will not only increase the capacity of security personnel in upholding human right and peacebuilding principles but also expand the networks between the three target groups that encourage constructive engagement.

EVALUATION METHODOLOGY

The scope of this mid-term evaluation follows the SFCG's Evaluation Guidelines that focused on assessing the project's relevance, effectiveness and coordination or coherence, to the extent possible. Acknowledging that the project does not only seek to improve the capacity of security personnel in applying human right principle but also seek to address the complexity in the dynamic of understanding and attitude (transformation from adversarial to constructive relation) among the target groups, this evaluation uses qualitative approach. This approach promises in-depth examination of the experience of the project participants. The method provides examination of subtle nuance in attitude, behavior as well as their their dynamic or process.

Following the assumption held in the project, this research assesses the quality of this project by examining the extent to which this project:

- increases security personnel awareness of human right and conflict transformation principles
- increases security personnel commitment in applying human right and conflict transformation principles
- increases human right activists' sensitivity of security personnel dilemmas or challenges in implementing human right principles
- increases human right activists' openness to collaborate with security personnel
- raises civilian leaders' awareness of about human right abuses by security personnel.

In addition to examining these issues this report identifies gaps of perspectives and objectives between the security personnel and human right activists in applying human right and conflict transformation principles. It explores key issues that define differences and commonalities between the target groups in order to make recommendations for the next stage of this project.

The way this project may achieve those objectives is assessed by examining the relevance, effectiveness and coordination of the project activities as set out in the guiding questions below.

Relevance

How does the project organization (such as recruitment of participants, selection of speakers, and selection of material) respond the need and complex reality of target groups? Does the project allow flexibility to successfully encourage constructive engagement between the members of the target groups?

Effectiveness

To what degree and in what ways do the activities of this project help achieving the above objectives? Which activities are most effective in meeting the project objective? Which aspects of the activities need improvement?

Coordination

How well was the coordination between members of the project team (SFCG, consultants and partners)? What are the challenges of the coordination and how the project team addresses those challenges?

Data for this research come from three types of sources:

- Semi-structured interviews with the key members of beneficiaries, project team and consultants.
- Desk review of the documents produced by the project such as quarterly reports, training materials, and policy brief.
- Observation by participating in a training run by the project. To anticipate difficulties of interviewing the training participants from the security personnel, a short questionnaire was distributed among the participants during the training.

Data was collected in the period 1st to 30th of November 2013.

KEY FINDINGS

The first noteworthy aspect of this project is that this is not the first experience for the Search for Common Ground (SFCG) working on counter-terrorism issue. Some of the

relevant experience of the organization are programs on de-radicalization of terrorists in prison and strengthening the role of Islamic boarding school (*pesantren*) in countering terrorist discourse. This experience equipped SFCG with an understanding of key issues and network of actors from security forces and civil society leaders who would take part in this project. Correct identification of key issues and actors is essential in the success of this project. This project was not possible without SFCG's networking experience with security forces, human right activists and civil society actors. SFCG's previous works on de-radicalization in prison was critical in its success in securing cooperation with the Densus.

Considering the detachment's secretive nature and its level of resistance to criticism by human right activists, its openness to participate in this project should already be considered as an achievement. Likewise, strong criticism to the Densus among human right activists and civilian leaders was non uncommon. Their willingness to engage in a capacity building program for the Densus may also be seen as a progress. This however should not be enough. The participation of these key actors in the engagement program is only a method for achieving the primary objective of transforming the existing adversary relation between the security forces and civil society leaders into a constructive one. As such, the program should be able to bridge the gaps of perception and explore communalities that would encourage the parties to collaborate in counter-terrorism activities. In the future, the impact of this project may be seen in the decrease of human right violation in the security forces' counter-terrorism activities.

The following discussion records key dynamic in the program, which are important for assessing the relevance, effectiveness and coordination of the project as a process in achieving the above objectives.

Is Knowledge A Factor?

As mentioned earlier this project assumes that lack of knowledge on human right principles is essential in the ability of Densus in following human right principles. One of the central programs of the project is therefore a series of training on human right and conflict transformation for security personnel. Discussion below records dynamic in the training activity. It should be noted however that the training is only a component of the projects. Engagement between Densus and civil society actors, which is the key of this project, is carried out in other other activities, i.e. stakeholder and multi-stakeholder

meetings as listed earlier. This is also discussed in the next section of this report. Dynamic in the training deserves lengthy discussion here because it illustrates the central issues for developing constructive engagements between security personnel, human right activists and civilian leaders.

The importance of knowledge for the ability of Densus in complying with human right principles is perceived differently by the security personnel and civil society leaders. Some Densus leaders, especially, those at the middle to high-ranked level, claimed that human right principle has been transferred to the members of the security personnel through its internal operational standard. It is important to note that the Densus is required to follow the Chief of Police Departement Regulation Number 8 on the Implementation of Human Right Principles and Standard in the police assignment known as PERKAP HAM No 8, 2009. In an interview, a senior Densus officer claimed that the regulation has been socialized to all police officers, including Densus personnel. Dynamic in the training however did not always confirm this claim. A trainer from the Legal Aid Institute (LBH) who led a day-long session on human right principle in the PERKAP HAM was surprised to find that many participants from Densus was not aware of key human right principles. This is especially prominent among the lower-ranked personnel. As admitted by some Densus members,¹ many of the knowledge they learned during the training were new. Post-training survey shows that a large majority of training participants said that the training has given them new knowledge about human right. Although the survey did not specify the new knowledge learnt by participants, my interviews with participants suggest some of the new knowledge below:

- Human right violation is institutional responsibility, therefore cannot always be the responsibility of individual personnel on the ground.
- The methods of enforcement can take three forms, i.e. passive, active and repressive.
- Security personnel can disobey commander when the command is considered violating human right principles.

As the above principles are closely connected to human right principles, lack of knowledge about these principles could affect the capacity of the Densus in the protection of human right principles during counter-terrorism operation. Inability to determine a

¹ This is based on interviews and informal group discussions with members of Densus during the training and questionnaires distributed in the last day of the training.

correct form of response could be the factor behind excessive use of force. A threat that can be handled passively or actively without repression is responded with offense and repression. Likewise, lack of knowledge on the right of security personnel to disobey command when it could potentially violate human right principle could affect personnel performance in following human right principles.

If the PERKAP is transferred to the personnel and followed consistently, criticism of Densus' human right violation might have not occurred. However most human right activists interviewed believe that the PERKAP was not transferred or socialized to the personnel at the frontliner level. According to the trainer for LBH this was confirmed by the request for the copy of the PERKAP by the training participants. This shows that the document was new to them. Lower-ranked members of security personnel who directly encounter terrorists claimed that awareness about human right principles should also be transferred to higher-ranked personnel who serve as commander on the ground. A Densus member said:

“We often face a situation required to make a decision even though we are not in command..that's killing us. Socialization of human right need to target those at the higher rank, at least those at the level of Police Commissioner. (This is) because they hold the command on the ground, they make decision. We ourselves know about human right, but when we implement it we may be accused of being too smart.”

However, for a human right activist from the Commission for Missing Persons and Victims of Violence (Kontras) who participated in the stakeholder meeting, knowledge about the PERKAP should not be used as a reason for the failure of Densus in following human right principles. For him, once a law is issued it obliges everyone to abide by the law. The police personnel, including the counter-terrorism unit, should not be exempted. The Police Department therefore has the responsibility to ensure that its personnel understand all laws relevant to their assignments.

Bearing this in mind, it should be noted that lack of knowledge is not always a factor. Some subjects of criticisms to the Densus pertain to basic knowledge that any police officer should already have prior knowledge such as the illegality of torture for interrogation and the right of any suspect including terrorism suspect to have and select a lawyer to defend them. Additionally, dynamic of the training showed that in some cases the security personnel are well aware of important human right principles that should have guided them in the operation. This is for example reflected in the session of the training

that allowed the participants to discuss scenarios of counter-terrorism operation. Participants were given eight scenarios of counter-terrorism situation. In group discussions, participants are required to choose a response to the situation that is sensitive of human right principles. The facilitator of the training from LBH was surprised to find that most groups chose forms of responses that are respectful of human right principles. In one of the scenarios, some participants's sensitivity of human right is beyond facilitator's expectation. The scenario goes as follow:

Police responded to a report about a threat of suicide bomb in a night market. The police then carried out a clear up of the location, they moved people to safe places. The police then surrounded the suspect and ordered him to surrender. Instead of surrendering, the suspect raised his hands showing indication that he would lid a bomb using a remote control. In response, a police officer shoot but mistakenly killed him. The police who shoot claimed that if he made a shoot to the suspect in a non-lethal area he would still have an opportunity to lid the bomb. After the incident it occurred that what was in the hand of the suspect was just a ballpoint and the threat of suicide bombing was not true. No bomb was found either on the body of the suspect or in the area of night market.

Some of the participants in the group suggested that killing the suspect does not violate human right if the ballpoint in the hand of the suspect is identified as detonator that is not only dangerous for the security personnel but also for the people in the market. The bomb might have been placed in other dangerous locations. Others in the group however see such a response against human right principle assuming that the police personnel have started the operation with clearing the location and therefore had the option of non-lethally shoot the suspect. This is a situation when even a human right activist, as suggested by the facilitator from the Legal Aid Institute (LBH), might considered killing the suspect does not violate human right principle. This is because there is a strong indication that the ballpoint is a remote control for a bomb. This is shown in the answer sheet for the scenarios distributed limitedly for facilitator. This session indicated that some of the security personnel actually have a good level of understanding of human right principle.

For Syamsul Alam Agus from Kontras, security personnel's level of knowledge about human right principle is also shown in the fact that there are some best practices in Densus operation. Despite his strong criticism to Densus, Alam admitted that many of Densus operations such as the one in Cirebon in 2011 were respectful of human right. He therefore believe that there should be other factor that is more critical than lack of knowledge.

While many human right activists might point the finger to the police commitment and repressive culture, many members of security personnel claimed that human right principles cannot be always easily translated in the operation. Dynamic on the ground often create dilemmatic situations for security personnel in following human right principles. Beyond knowledge or awareness about human right principles, two factors appeared in my interviews with the security personnel.

The first is facilities or equipments required to non-lethal shot. Excesisve use of force is one of the central criticism to Densus. While this might be caused by the unwillingness and lack of commitment of the security personnel, some security personnel claim that they often face a situation when they do not have the required weapon that can be used to non-lethally shoot the suspect. This concern is not totally rejected by the human right activists. For Mufti Makarim of the Institute for Defense Security and Peace Studies (IDSPS) the lack of required weapon for human right friendly law enforcement in counter-terrorism should become a subject of assesment. The type of weapon required should be identified. In case of lack of equipment, human right NGOs like his organization could help the police advocating for acquiring required weapons and equipment as long as this is based on transparent assesment.

The second problem pertains lack of good knowledge about terrorist characteristics and network. For many human right defenders this is evident in the cases of wrongful arrests by the security personnel. One of the cases frequently referred is the arrest of a street vendor named Nuriman in Solo in 2009. Alam from Kontras claimed that an investigation by his organization found evident that the one arrested was not the target of the security personnel. Security personnel wrongfully shoot him to dead but the mistake has never been clarified or corrected. This illustrates the importance of accurate identification of targets before security personnel launched a strike. Alam goes as far as accusing security personnel of incapable of defferentiating someone who happened to meet a terrorist (like a motorbike taxi driver (*tukang ojek*) who took a terrorist as a pessenger without knowing him) from someone who intended to help trasporting the terrorist.

The above varied dynamic shows that this training has increased security personnel knowledge about human right principles. This is important in strengthening the capacity of security personnel in upholding human right principles. However, as the ability of security personel in following human right principles is not always caused by lack of knowledge, it

is important that this program does not only seek to increase the knowledge of security personnel but also help solving limitation and practical dilemmas faced by security personnel in counter-terrorism operation. This training also showed that although human right activists are highly critical of the Densus, some of them showed an acknowledgement of the Densus dilemmas and limitation on the ground and therefore it opens an opportunity for constructive relation.

How Far is the Engagement?

It has to be acknowledged that this project has started what might be the first programmatic intervention for addressing the gap between Densus with human right activists and civilian leaders. Many organizations have carried out engagement programs between police officers and civil society actors, but to the best of my knowledge no program has been made that targets the Densus personnel. Understandably while there have been many collaborations between police officers and civil society actors, Densus works remain isolated from collaboration with civil society actors. The team for this project expected that activities intentionally designed for opening spaces for engagement between security personnel and civil society actors would transform the tension between the parties into a constructive relation.

In its first year, this project has created many spaces for engagement. Close interactions between human right activists, civilian leaders and security personnel took place in the following activities:

- Formal stakeholder and multi-stakeholder meetings
- Informal stakeholder and multi-stakeholder meetings
- Curriculum development meetings.
- Meetings for preparing human right and conflict resolution trainings for security personnel.
- The involvement of human right activists and civilian leaders in the human right and conflict resolutions trainings for security personnel.

How far did these activities bring the parties into a constructive engagement? As mentioned earlier, the openness of both Densus and human right activists to participate in this program should be seen as a positive gesture in term of engagement. The engagement has resulted in exchanges of perspectives and spaces for expressing concern and suspicion. However, gaps of perspectives remain deep and the level of suspicion of each side is still

high. After a series of meeting that allowed formal and informal interactions between security personnel and civil society leaders, these highly critical expressions come from human right activists:

There should not be any institution that cannot be held accountable. Densus think they are have never make mistake. When asked about accountability they are angry (Mufti Makarim).

They (Densus) are trained to eradicate the enemy, not to uphold human right (Nur Khoiron).

Similar words of suspicion is not uncommon among security personnel during the training. Some of them even went as far as questioning the nationalist commitment of human right activists. This was a response to the perception that human right activists preferred to talk to media about human right violation perpetrated by Densus rather than talking to the Densus like brothers in nation.

There are at least four situations that occurred as challenges to constructive engagement. The *first* is the level of trust to the civil society leaders, especially human right activists among security personnel. This lack of trust is actually not the sole responsibility of those participants from human right activists, but the impact of past cases of tension between Densus and human right activists. The most frequently mentioned incident of tension was a press release in 2009 made by a commissioner of National Commission of Human Right (Komnasham) who accused Densus of a gross human right violation in Poso. Densus felt betrayed by the commissioner because according to a Densus senior officer in the training the press release was made after they helped the commissioner getting access to investigate the case. The commissioner might have different stories and Komnasham as an institution should also have internal procedure for publishing its investigation findings. However, the incident was perceived by the Densus as an illustration of the lack of commitment from the human right activists to constructively help Densus. These words from a senior personnel of Densus reflect this lack of trust.

Human right activists are like biting the drum, which has a bad sound. (This is) because they have vested interest..they only publicize their criticism of Densus without knowing what cause the offense.

The secretive nature of the Densus' work might have also a barrier for an open and serious engagement with civil society leaders. What is meant by openness by human right activists might require Densus to share detailed information of its operation that include identities, location, and strategies of operation. Densus believe that such information

should not be shared with external parties because it could affect their future operation. Sharing detailed information would be more challenging for Densus when it is related to cases which might expose human right violation. Acknowledgment of mistake or guilt is not easy, especially for an armed institution like Densus. Even for a normal person, a process toward admission of guilt can take time; it only happens when the perpetrators already feel safe. It is therefore difficult to expect openness for engagement in the situation when trust is still limited. Understandably, many human right activists in the program are concerned about the defensive tendency of the Densus members.

Second, the activities of the program are dominated by formal sessions of the stakeholder meetings and trainings. Space for informal meeting outside meeting rooms is limited. In the training, many civil society actors only participated in the program by becoming a speaker or facilitator in the session. Informal meetings that would allow interpersonal interaction between security personnel and civil society leaders are limited. A Densus member therefore suggested that the training should add excursion program to visit operation sites or other relevant places into the training agenda. Such an informal program that bring civil society leaders and security personnel together could be critical in developing trust and therefore increase the willingness for a more open engagement. This need is actually fulfilled by other activities of this project. This is especially the case in numerous informal meetings carried out by project team. Such informal meetings need to be strengthened and given more support.

Third, one of the most helpful session of the training was the session about scenarios of counter-terrorism operation. Many security personnel were happy with the session. They found it helpful for solving the dilemmas of operation they face on the ground. However, it should be noted that the scenarios are not based on real incident. Even though many of the scenarios are similar to real incident, they have not brought discussion on key incidents seen by human right activists as examples of human right violation in counter-terrorism operation. It is true that discussing a real incident could be problematic because it may relate to ongoing operation that cannot be discussed with external parties. In this situation, it may be helpful to select a few cases that have become a subject of criticism to Densus to be discussed in the session. Some cases such as the wrongful arrest of street vendor in Solo might be easier to be a subject of open discussion than similar case in Poso. Meetings outside training that address key and recent incidents that became

subjects of criticism against Densus (as carried out several time in the first year of this project) are very important.

Forth, most human right activists are unhappy with the lack of participation from the top leadership of the Densus. Chief of Densus was absent throughout this first year of the project. The stakeholder and multi-stakeholder meeting activities of this project were actually focused on the participation of higher-ranked leaders of the Densus. However, according to Agung Yudha, Densus only sent mid-ranked personnel. This makes human right activists questioning the seriousness of the Densus in taking this program. For Alam of KontraS, without the presence of the top leaders of Densus this project can only make people meet and build relationship without making concrete impacts. In the words of Mufti Makarim of IDSPS who has served a consultant for this project:

What happened now is only exploration, only meeting. It is still far from a genuine engagement.

This, according to Makarim, is because concrete recommendations would require support from the top leader in the Densus. When the top leaders was absent, discussions or engagement cannot touch concrete issues. He believes this is especially the case for a structured institution like police. Efforts at making change should start from the top transferred to the below as a command. Changes from below can be easily written off by upper structure. For Mufti, the indication of the seriousness of the Densus in taking this program could be seen by the presence of the Chief of Densus. He said:

The impact of this program is complex, everyone might has been in their safe position. Suddenly they were asked to do this and that. This requires adjustment, which is not easy. This is the challenge of this project. It is required to show that the objective is realistic. Before this project begun, we started with positive signs. It is unfortunate that since the project run those signs did not grow.

SFCG team has persistently requested the presence of Densus Chief but they have not been successful. Contacts in Densus said that intensive counter-terrorism operation needed made it difficult for Densus Chief to directly participate in the project. They promised to continue persuading Densus Chief to take part in the project.

Another way for “concretizing”² the result of this project according to Alam from KontraS is driving the program toward measurable steps. This can take the form of

² This is taken from the Indonesian word “mengkongkretkan” which means making the impact of the program more concrete or tangible. The same word was used by many human right leaders interviewed. This shows the importance of this aspect in the eyes of human right activists.

establishing an auditing system that open for the role of external actors. As a human right monitoring organization, Kontras itself cannot serve in a formal institution auditing the Densus. Alam however encourages Densus to start a regular audit and evaluation for its operation. In this way it will not only increase the counter-terrorism operation, but also addresses the criticism about Densus transparency. He recommends an improvement in the planning of the project that envisions a more concrete result. As suggested by Mufti Makarim, to be effective, this kind of concrete result should be made under a formal or written institutional partnership between Densus and SFCG. For this to happen, he suggests SFCH to make an MoU with Densus that will force the police at all levels to fully support this program including making the personnel who participate in the program off duty.

Signs for concrete outcomes have actually emerged in various activities of the project. For example, the multi-stakeholder meeting in 27 January 2013 discussed various forms of collaboration between civil society leaders and security personnel. These include:

- Establishment of a forum for informal communication between the parties. Some of the participants even made a more specific suggestion to name it *Forum on the Counter-Terrorism Development* that would allow regular meetings in every two to three month.
- Joint activities in the form of for example facilitating reconciliation between security personnel and family members of terrorist suspects.
- Allowing human right NGOs to provide sustained technical assistance and capacity building for Densus.

This project could be more practically meaningful if it can push for realization of these possible outcomes.

Gaps and Communalities

The above challenges for engagement, although they are critical for the success of this project, should not undermine the progress made by this project. Conflict transformation theory suggests that transformation does not always require parties to totally accept claims or demand of the other side. Conflict transformation is a process. Its success should therefore be assessed from the dynamic in the process that opens opportunities for closing the gaps of perception or the invention of commonalities; this objective is more realistic than looking for an ultimate result. This does not mean that a concrete outcome, as suggested by human right activists, in the form of policy making is not important. But the

contribution of the project should be seen as the process toward making such an impact. In this perspective, this program has helped identifying gaps of perception and uncovering communalities. If these gaps and communality are taken as a focus in the program, it can open opportunities for constructive relation between security personnel and civil society leaders as the aim of this project.

Interviews with security personnel and civil society leaders as well as observation of the sessions of training show that this project has helped identifying gaps of perception. As can be seen in the next discussion these gaps can be potentially reduced because of their limit or inaccuracies. Key issues in the gap of perception can be seen in the table below.

Gaps of Perceptions between Densus and Human Right Activists

Security personnel	Civil Society Leaders
Human right activist could only make criticism; they do not understand the dynamic on the ground and their criticism are merely based on opinion.	Densus are close-minded, arrogant and defensive of any criticism.
Human right activists prefer to publicize their findings to the media rather than use them as a constructive insight for Densus. Human right activists should be restrained from exposing their findings to the public and instead directly talk to Densus about the finding.	Human right activists claimed they have delivered their findings to the institution in the police department responsible for the case. Internal auditing of Densus should belong to the police as an institution. Human right activists said they have lodged their report to the police, but said their report was never followed up. Densus seems untouchable even by the national board of the police.
Densus believes that human right activists are too focused on human right violation aspects of their unit and could not see its successes.	Human right activists said that there are best practices of Densus counter-terrorism activities. This shows that Densus has the capacity to follow human right principles in counter-terrorism activities. The problem in Densus is not capacity but willingness or commitment in upholding human right principles.
Densus perceives that exposing human right violations perpetrated by Densus would help terrorist propaganda against the Densus or counter-terrorism activities. Criticizing Densus is therefore a favor to terrorist interests.	Densus acknowledges mistakes and sanctions against those responsible for the mistakes could enhance Densus' credibility in the eyes of the public. Transparency in addressing human right violations is therefore positive for Densus legitimacy rather than the reverse. Densus' fear of delegitimation is therefore baseless. The problem with Densus is low commitment to transparency.
Many low-ranked members of Densus	Some human right activists believe Densus is

<p>claimed that their remuneration is too low for their hard and risky job.</p>	<p>supported by a strong financial source which come from external countries, not budget from the government. This is indicated in the fact that many of Densus operations are expensive. Densus seems to be self-financed and this makes Densus resistant to criticism.</p>
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<p>On the issue of excessive use of force, Densus claims that all of its operations follow internal procedure. The challenge is that shooting for caution by Densus are usually not heard by terrorists. Densus use of force for killing is always made after shooting for caution.</p>	<p>Human right activists perceive that excessive use of force is the result of the culture in the unit that train its personnel to annihilate enemies rather than enforcing the law.</p>
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<p>Densus believe that an awareness on human right principles can create a situation of reluctance in the counter-terrorism operation. It therefore hampers effectiveness in making a response.</p>	<p>The existing human right regulations are clear and should therefore guide Densus operation.</p>
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Many of the gaps of perception listed above are not totally accurate and can therefore be easily reduced by a better understanding of the other side situations. For example the perception among the Densus members that the claim or accusation made by human right activists about human right violation perpetrated by Densus is merely based on opinion is clearly exegerating. Kontras for example claims it has lodged an investigation report on specific cases of human right violation perpetrated by Densus. For Kontras, its report is always supported by evidence. Kontras perceives that the police has never followed up its report properly. The result of internal investigation has never been publicized. Alam explained Kontras procedure as follow.

When finding human right violation, Kontras lodged a report to internal authorities in the police such as police internal security unit (Propam) and National Commission of Human Right. Some of the reports were responded but the responses are normally normative, internal monitoring within the police department usually falls short in punishing the perpetrators. For example, five members of Densus committed torture on civilians in Kalora village in Poso in October-November, 2013. They held internal monitoring and decided that the personnel has broken the police ethical standard. However the crime was never brought to the court as required by the law.

This statement indicatas both an acknowledgement of the internal mechanism within the police and a criticism to the lack of accountability in correcting the wrong doing

of the personnel. What is important to note here is that the perception among Densus that human right activists prioritize exposing their findings to the public rather than talking to internal police institution is inaccurate. The problem is that Kontras lodged its report to the police as a broader institution. This might be the source of perception among Densus about the lack of communication with human right activists. An effort at developing a better communication channel between Densus and civil society leaders could help bridging this gap.

Without this, the situation would strengthen the belief among civil society leaders that the Densus is untouchable. This perception is actually not fully held by human right activists. Despite their strong criticism, many human right activists actually acknowledge the openness of the police including the Densus in reforming itself. The question is how open is the Densus for further discussing criticism that come from human right activists. This may depend on the level of trust to human right activists and the awareness of the importance of respecting human right principles for Densus' credibility.

Densus' concern about the delegitimizing impact of exposing human right violation is acknowledged by civil society leaders many of whom share the interest of strengthening the role of Densus in eradicating the threat of terrorism. Human right activists do not ignore the potential of the use of publication of human right violation by Densus as a weapon for terrorists to gain public support against the Densus. This concern can be addressed by an understanding that what hurts Densus legitimacy more is its image as a superior body that is immune from mistake. Transparency about correction of mistakes would improve Densus' image rather than the otherwise. For example, when Densus made a wrongful arrest it can easily correct the wrong by releasing the victim and rehabilitating his/her name. In a more serious mistake of for example shooting to dead a wrong target and miscalculation that causes excessive use for force it is important that the Densus establishes an institutional process that determine the degree of the mistake and this may end up with issuing sanction to the one responsible. Internally such a transparent approach would strengthen the capacity and commitment of security personnel at all levels to be more respectful of human right principles. Correction of mistakes would help security personnel become more sensitive of human right principles.

Densus' habit of correcting the wrongful killings by providing compensation for the family members of the victims is considered counter-productive. The compensation can

be more meaningful if it is made after an acknowledgement of guilt, apology and rehabilitation of the name of the victims.

In this respect, this gap of perception between Densus and human right activists may lie in the difference between transparency or accountability demanded by civil society leaders and the perception of delegitimizing impact of 'exposing' human right violation. Alam from KontraS is an example of a vocal critics of Densus. Despite this position he shares the interest of strengthening the role of Densus. He said that criticism of Densus should not be seen as an effort at trialing the Densus but a support to improve the capacity and credibility of Densus.

This is a constructive message that should be transferred to clarify the negative perception among the Densus. To make this happens, some human right activists propose a practical step, that is strengthening the role of the public relation office of Densus. Nur Khoiron from the Komnasham is concerned that at present the public communication of Densus is only given by the public communication office in the plice headquarter. For him, Densus should have its own spokesperson that can better communicate its intrest to the public. This view is shared by Agung Yudha of the Institute for Policy Research and Advocacy (ELSAM). For Agung, who helped developing the module of training program of this project, the absence of a more symphetatic public communication of Densus is seen as affecting its image. A good publication communication officer would help Densus publicizing its operation including accountability in a way that does not delegitimize the institution. Densus may recruit civilian as a public communication officer.

Because of lack of space we cannot address all gaps of perception here. What is more important is that these gaps of perception become subjects of discussion in the engagement process. In this way communalities can be developed by participants themselves. After identifying the gaps, this project should play further role by providing a safe and trust-enhancing spaces for all parties to meet and address the gaps.

To close this section, it is worth-reminding about communalities that have occured. Both Densus and civil society actors share the concern about the threat of terrorism. They share the objective of challenging the narrative propogated by radical groups to delegitimize counter-terrorism activities. For human right activists counter-terorrism is not only about eradicating the threat of terrorism but also upholding human rights. Terrorism is considered a gross violation of human right. This spirit of friendship is a social capital that could be used by this project to encourage more openness from the

security personnel in taking part in this project. Participating in this program is not without costs for some human right activists. One activist interviewed said that because of taking part in this program he has been criticized by other human right defenders who are highly skeptical of Densus. However because he sees Densus as an important institution, he chose to take part in this initiative for strengthening the capacity of the security personnel in upholding human right values. He said, “if everyone fight Densus this will not change the situation. There should someone who tries to make change from within to improve Densus capacity.” In the same vein, Nur Khoiron support this project because for him there should an organization like SFCG that strengthens the moderate voices among human right activists. A statement like this that come from a Komnasham’s commissioner is important because another commissioner from the organization has previously angered Densus for her public criticism to Densus. For Nur Khoiron, there is a segment among human right activist who chose confrontational approach. While they have their own share of contribution in human right monitoring, he admitted that it is important that some of the human right activists choose a more engaging approach as initiated by a peacebuilding organization like SFCG. This constructive view of Nur Khoiron is worth-quoting to close this discussion:

Human right NGOs should not criticize the Densus too harshly, not everyone needs to make loud tone (in criticizing Densus). The dimension (or subject) of criticism should be specified. When a terrorist is arrested, the family should know. There should be a balance (in criticism). In one side, Densus is taking its job to target suspects, but they should avoid excessive actions. Someone should remind Densus of this responsibility. Arrest made by Densus might be needed but they should be held accountable of their operation based on the internal operational standard (within the Police Department)...(it is important to analyse) when Densus can and cannot shoot the suspect. (The job of) Densus is like picking a hair in flavor. If they do not do this carefully that would not only pull the hair but also the flavor.

A REMARK ON PARTICIPANT RECRUITMENT

This project’s strategy of conducting stakeholder meeting and training as a means to facilitate engagement is very relevant and can be effective in bridging the gaps of perception if carried out properly. At present, the biggest challenge for this strategy is bringing relevant participants in the programs, especially the training activity. The project team will need to explore more effective strategy in recruitment in order to bring more relevant participants, especially those from the members of Densus. The team has been

facing practical challenge in meeting the quota of 25 participants. This is mainly due to unexpected situation, that is intensive assignment of for Densus personnel and procedure of screening for training participants. The composition of participants is also another challenge. Because of difficulty in recruiting Densus members, some of the participants are recruited from those whose jobs are less relevant to this project. The project team will also need to address different views regarding the level of rank in the Densus that need to be brought to the training and also stakeholder engagement meetings. Some participants of training suggest that there is a need to bring lower-ranked personnel in the training because they directly face dilemmatic situations on the ground. Others Densus members and civil society leaders suggest otherwise. Because of the top-down mechanism of the police, it is important that this training recruited more personnel at the higher level (at least ranked General Commissioner or Kombes) because they hold the command during counter-terrorism operation.

The project officer of this program, La Ode Arham, said that the difficulty in recruiting Densus as participants is mainly caused by internal process in the police and requirement by the donor. The US government requires a screening process of participants before attending the training. This has prolonged the process that effect the schedule. The challenge also came from the difficulty of the Densus internally in recruiting participants. Densus claims that the limited number of Densus personnel makes it difficult to meet the quota because the demand for counter-terrorism operations often made selected personnel unable to attend the training. As an effective targeting of participants is critical in the success of this project, SFCG and leaders in Densus would need to find a solution to this issue. Last but not least, participation of civilian leaders in the project, especially those from Muslim organizations, is still minimal. The role of this important segment of society remains to be seen in the second year of this project.

COORDINATION: PROGRESS AND CHALLENGE

One important progress occurred until the end of the first year of this project is the opening of channels of communication between Densus and civil society actors. Although the level of mutual openness between the parties is still limited, the spaces for constructive relation are strengthened. This progress is especially evident in numerous spontaneous informal meetings. The planned stakeholder meeting and multi-stakeholder meetings have opened opportunities for the leaders of Densus and key civil society actors for further relation to

response recent issues in counter-terrorism operation. This indicates the effectiveness of coordination among the stakeholders of this project. Such a responsive activity beyond the planned agenda is not possible without the a good communication or coordination among those at the heart of this project.

At least three informal meetings were held throughout the first year of this project. One meeting was held in July 2013 after the request of Alam from Kontras to response to the Densus operation in Tulungagung, Central Java. A number of human right organizations suspected excessive use of force in the operation. The Densus shot to death two terrorist suspects in the operation. Syamsul Alam who has took part in the multistakeholder meeting seized the space opened by this project to seek clarification. The project facilitated his request by bringing Densus leaders and civil society actors into an informal meeting. Similar meeting was held recently in January 2013 after the Densus operation in Ciputat that killed seven terrorist suspects.

Coordination is a challenging task in this kind of project where components of the stakeholders are very diverse. The level of their commitment is varying. This is especially the case for this project because the level of suspicion or skepticism between the stakeholders. Five institutions or individual are at the heart of this project's coordination task. They are:

- Mufti Makarim of IDSPS who helps in conducting baseline assesment, policy brief writing and media monitoring,
- Andi K. Yuwono of VHR who helps in designing stakeholder meeting and multi-stakholder meetings,
- Agung Yudha from ELSAM who played the role of preparing the curriculum of the human right and conflict resolution training for security personnel,
- Legal Aid Institute or Lembaga Bantuan Hukum (LBH) that serve as facilitator in the human right and conflict transformation training for security personnel, and
- Densus as a key target of this project.

Overall there seems to be no significant coordination problem faced by the project team. Coordination with Densus run intensively. This is especially possible because of the good personal contact made by the project officers, La Ode Arham, with two high level officer of Densus, namely Zarkashi and Hamli. The project also enjoyed a good support from consultants and partners from human right organization. The only challenge that need to be

addressed is the coordination with the IDSPS especially in policy brief writing. The brief publication has been delayed due to the schedule of the IDSPS. This could effect other activities of the project because the brief is expected to be used in the engagement and training activities.

CONCLUSION

This report assesses the effectiveness, relevance and coordination of this project in two ways; they are (a) the extent to which this project strengthens the awareness of security personnel about human right principles and (b) creates a process toward transforming the tension between security personnel and civil society leaders into constructive engagement. Several findings emerge.

- This project helped increasing the security personnel awareness of human right principles by equipping them with knowledge about principles and regulations that guide human right sensitivity in counter-terrorism activities. Knowledge about human right values and principles are however not always central in the ability of the security personnel in following human right principles. Gaps between principles and practical dilemmas on the ground often poses security personnel with stronger challenges in upholding human right principles. In some cases, basic human right principles that must be known by any security personnel such prohibition of torture and the right of suspects to choose their lawyers are violated. Commitment and internal structure that support implementation of regulations on human right is sometimes more important than awareness about the principles.
- Stakeholder meetings and human right trainings for security personnel are a strategic method for facilitating engagement between security personnel and civil society leaders. The presence of civil society leaders who have been critical to the security personnel in the meeting and training session allowed spaces for the parties to address their gaps of perception. Commitment from both sides to continue constructive engagement are reestablished. However, the effort at making this engagement more meaningful faces the challenge of limited trust and openness to other parties. While civil society actors tend to stand strict on their position, security personnel tend to be defensive and limit their engagement at the normative level. Limited spaces for informal engagement during meetings and

training sessions limit opportunities for a more meaningful engagement. Human right defenders who participate in the program are still skeptical of the seriousness of security personnel in taking this program because of perception of the limited support from the top leader of the Densus. Apart from these weaknesses, the engagement facilitated by the project helped identifying key gaps of perception and communalities that can be used as subjects of discussion in further engagement activities.

- Participation of key civil society leaders who have been critical of the Densus should be seen as an achievement of this project. This project however still faces a challenge in bringing relevant participants from the Densus personnel. The number of participants of training has been below the quote. There is also a concern about which level of security personnel has to be targetted more relevantly to participate in this program. It is critical to find a more new strategy to solve these challenges to make the engagement more effective.
- Engagements through stakeholder and mult-stakholder meetings have opened spaces for furhther engagment. It has brought about spontaneous meetings innitiated by both civil society actors and Densus to discuss recent indicents in counter-terrorism operation. This showed a good coordination among the project team and as well as a progress toward a constructive relation between the parties.

RECOMMENDATIONS

To the project team:

- With regard to the organization and contents of trainings and stakeholder meetings, consider the following actions:
 - Contents of the training and session should address map of issues of human right violation in counter-terrorisme activities. Select specific cases that have been subjects of criticism to Densus. Use the cases in the process of engagement. Policy brief and other relevant reports of the project need to be incorporated into the contents of training and meeting.
 - Drive engagement toward finding a concrete form of potential collaboration between security personnel and civil society leaders.
 - Improve proceeding or notes that records the dynamic of engagement. Use the record as a basis for managing the project. More staff in the organization

of training may be needed to assist facilitator and to make notes on the dynamic of the sessions.

- Training for increasing the security personnel's awareness of human right principles should address practical dilemmas faced by security personnel.
- Create more spaces for informal engagement beyond meetings and training sessions. Informal meetings need to be strengthened. The suggestion of a training participants from the security personnel to include excursion activity by visiting counter-terrorism sites need to be considered. This may not only apply for the training program but can also be included in the agenda of multi-stakeholder meetings.
- Start the second year of the project by a meeting with top leaders of the Densus to strengthen the commitment to make this project more relevant and efficient. The meeting should find a more effective strategy in participant recruitment. If necessary SFCG may require a formal document of Memorandum of Understanding with Densus to ensure the sustainability and effectiveness in participant recruitment. This can be used as a means to increase the level of trust between the parties to make more meaningful engagement.

To donor:

- Simplify the vetting system to support project manager in making more relevant or effective recruitment of participants. Help the project manager in persuading top leaders of the the security personnel or Police Department to fully back this project.
- Allow project manager with flexibility to maneuver and to change project planning for making the engagement more effective and meaningful.

Appendix: List of Respondents

1. Syamsul Alam Agus (KONTRAS)
2. Mufti Makarim (IDSPS)
3. La Ode Arham (SFCG)
4. Agung Yudha (ELSAM)
5. Andi Yuwono (VHR)
6. Nur Khoiron (KOMNASHAM)
7. Al-Ghifari (LBH Jakarta)
8. Interviews and informal FGDs were also members of Densus during the training in November 2013.

