

23 October 2023

Attn:

H.E. Wahyuningrum

Indonesia Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR)

Cc:

Ms. Le Thi Nam Huong

Assistant Director, Human Rights Division, ASEAN Secretariat

Dear Excellencies,

The Asian Forum for Human Rights and Development (FORUM-ASIA) would like to bring to your attention a formal complaint filed by the Myanmar Accountability Project, the Chin Human Rights and Marzuki Darusman-Indonesia's ex-attorney general and chair of the United Nations Independent International Fact-Finding Mission on Myanmar-to the National Commission on Human Rights of Indonesia (KOMNAS-HAM) to investigate the alleged arms trade between three Indonesian state-owned enterprises, PT. Pindad, PT. PAL, and PT. Dirgantara Indonesia and the Myanmar military junta.

The recent ASEAN Leaders' Review and Decision on the Implementation of the Five-Point Consensus has urged the Myanmar Armed Forces in particular to "*de-escalate violence and stop targeted attacks on civilians, houses and public facilities, such as schools, hospitals, markets, churches and monasteries*". Nevertheless, there have been continuing reports of the Myanmar military junta attacking civilian areas leading to thousands of deaths and destruction to civilian property.

Indonesia has previously voted against the flow of arms into Myanmar following the 2021 attempted coup at the UN General Assembly. As the current ASEAN Chair and upcoming member of the UN Human Rights Council, Indonesia has thus assumed the duty to realise its commitments to the protection and promotion and human rights at all levels. Therefore, it must immediately cease any arms trade with the military junta and thoroughly investigate this matter to ensure accountability.

Excellencies, we are aware that the purpose of AICHR under its Terms of Reference is to uphold the right of the ASEAN people to live in peace and dignity, including the promotion of peaceful solutions for the protection of human rights. Therefore, in alignment with the AICHR's mandate under articles

4.9 and 4.10, which read “to consult, as may be appropriate with other national, regional and international institutions, and entities concerned” and “to obtain information from ASEAN Member States on the promotion and protection of human rights,” we humbly request the AICHR to seek clarification from the Government of Indonesia on this matter and urge KOMNAS-HAM to conduct an investigation on this allegation.

Further, we wish to reiterate Article 38 of the ASEAN Human Rights Declaration, which states that *“Every person and the peoples of ASEAN have the right to enjoy peace within an ASEAN framework of security and stability, neutrality and freedom, such that the rights set forth in this Declaration can be fully realised. To this end, ASEAN Member States should continue to enhance friendship and cooperation in the furtherance of peace, harmony and stability in the region.”* To uphold the right of the Myanmar people to enjoy peace and stability, it is vital for AICHR as the overarching institution responsible for the promotion and protection of human rights in ASEAN to be proactive in consultations and be involved in the investigations relating to the alleged Indonesian supply of arms to the Myanmar military junta who has been responsible for the mass atrocities and destabilisation in Myanmar.

For your reference in response to this situation, we would like to submit to you our Joint Statement with 27 of our member organisations calling for the Government of Indonesia to thoroughly investigate the alleged involvement of its state-owned enterprises and cease any arms trade with the Myanmar military junta.

Should there be any further clarification needed, please do not hesitate to contact the East Asia and ASEAN Programme of FORUM-ASIA (ea-asean@forum-asia.org).

We look forward to hearing from you and thank you for your kind attention.

Sincerely yours,


Mary Aileen Diez-Bacalso

Executive Director, FORUM-ASIA

Annex 1. Statement

[Joint Statement] Indonesia: Government must investigate alleged arms trade between state-owned enterprises and the Myanmar military junta

(Bangkok, 18 October 2023) - The Asian Forum for Human Rights and Development (FORUM-ASIA) and 26 member organisations express are gravely concerned over the alleged arms trade between three Indonesian state-owned weapons manufacturers and the Myanmar military junta.

We call on the Government of Indonesia to thoroughly investigate the matter and to cease all activities that could potentially enable, legitimise, or intensify the junta's atrocities.

On 2 October 2023, the Myanmar Accountability Project, the Chin Human Rights Organization, and Marzuki Darusman—Indonesia's ex-attorney general and chair of the United Nations Independent International Fact-Finding Mission on Myanmar to the National Commission on Human Rights of Indonesia (KOMNAS HAM)--filed a formal [complaint](#) to initiate an investigation into the alleged involvement of PT. Pindad, PT. PAL, and PT. Dirgantara Indonesia in supplying weapons to the Myanmar military junta, particularly since the attempted coup in February 2021.

Citing open-source investigations, the sale was allegedly made to Myanmar's True North Co. Ltd owned by Htoo Htoo Shein Oo. The latter is the son of the junta's Planning and Finance Minister Win Shein, who is currently sanctioned by the United States, Canada, and European Union for his role in the military government.

Contradicting Claims

However, the three enterprises alongside its holding company, DEFEND ID, have [denied](#) the allegations. They claimed that PT Pindad's arms export to Myanmar was limited to the ASEAN Armies Rifle Meet in 2016. Meanwhile, PT. PAL and PT. Dirgantara Indonesia claimed that it never had any form of agreement with Myanmar.

Meanwhile, True North Co Ltd has referred to the three companies as its 'strategic partners.' Moreover, in July 2023—following a visit by the Indonesian President Joko Widodo to PT Pindad's manufacturing facility—PT. Pindad [confirmed](#) that it had exported munitions to multiple countries including Myanmar. This may indicate a possible provision of arms by the three companies to Myanmar before and post the attempted coup.

Lest we forget, the Myanmar military junta has [killed](#) approximately 3,857 civilians, including 610 women and 376 children. Proving its blatant disregard for human lives, the junta has launched approximately 687 airstrikes between April 2022 and July 2023. In October 2023, the junta ruthlessly [attacked](#) a camp for displaced persons in Kachin State, killing 29 people and wounding 56 others.

Reiterating Indonesia's position as the current ASEAN Chair and an upcoming member of the UN Human Rights Council from 2024 to 2026, the Indonesian Government has [pledged](#) to actively promote and protect human rights in the region. Likewise, the government committed to [condemn](#) the continued acts of violence in Myanmar. In fact, President Widodo [stated](#) that tactical and extraordinary efforts are crucial for successfully implementing the [ASEAN's five-point consensus](#). At the UN General Assembly, Indonesia [voted](#) for the prevention of arms flow to Myanmar. The Indonesian Government must therefore take genuine action to actualise such commitments.

Call to Action

FORUM-ASIA calls on the Indonesian Government to uphold its commitment to protect human rights and cease all activities—including arms trade—that can further endanger the lives of the people of Myanmar.

To ensure accountability, we urge the government to thoroughly investigate the alleged arms trade between its state-owned companies and Myanmar.

'Stepping into its new role of championing human rights protection across the entire region, Indonesia must ensure that it does not contribute—either directly or indirectly—to the sufferings of the people of Myanmar. The government must do its best to prove and guarantee that none of its state-owned enterprises is involved in any way with the Myanmar military junta. Profits must never come at the cost of democracy, lives, and the fundamental freedoms of the Myanmar people,' said Mary Aileen Diez-Bacalso, Executive Director of FORUM-ASIA.

Signatories

1. Asian Forum for Human Rights and Development (FORUM-ASIA)
2. Association of Women for Awareness & Motivation (AWAM) - Pakistan
3. Awaz Foundation Pakistan – Centre for Development Services
4. Banglar Manabadhikar Suraksha Mancha (MASUM) - India
5. Bytes for All (B4A) - Pakistan
6. Cambodian Human Rights and Development Association (ADHOC)
7. Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
8. Center for Human Rights and Development (CHRD) - Mongolia
9. Commission for the Disappeared and Victims of Violence – Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (KontraS) – Indonesia

10. Defence of Human Rights (DHR) - Pakistan
11. Equality Myanmar (EQMM)
12. Forum for Dignity Initiatives (FDI) – Pakistan
13. Indonesian Legal Aid and Human Rights Association (PBHI)
14. International Legal Initiative Public Foundation (ILI Foundation) - Kazakhstan
15. Korean House for International Solidarity (KHIS) – South Korea
16. Madaripur Legal Aid Association (MLAA), Bangladesh
17. National Alliance for Human Rights and Social Justice (Human Rights Alliance) - Nepal
18. National Commission for Justice and Peace (NCJP) - Pakistan
19. People's Solidarity for Participatory Democracy (PSPD) – South Korea
20. People's Watch, India
21. Progressive Voice
22. Psychological Responsiveness NGO, Mongolia
23. Refugee and Migratory Movements Research Unit (RMMRU) – Bangladesh
24. The Indonesian Human Rights Monitor (Imparsial)
25. Think Centre - Singapore
26. Women's Rehabilitation Centre (WOREC) – Nepal
27. YLBHI (Indonesia Legal Aid Foundation)

About FORUM-ASIA:

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a network of 85 member organisations across 23 countries, mainly in Asia. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity development and solidarity actions in Asia and beyond. It has consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. The FORUM-ASIA Secretariat is based in Bangkok, with offices in Jakarta, Geneva and Kathmandu. www.forum-asia.org

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