

**INDONESIA: PREVENTING VIOLENCE
IN LOCAL ELECTIONS**

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INDONESIA: PREVENTING VIOLENCE IN LOCAL ELECTIONS

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Indonesia needs to learn promptly the lessons from the sporadic violence witnessed in its local elections during 2010 as there is some evidence these easily preventable incidents could be increasing in frequency since the last cycle. While most district polls pass peacefully, the small number that do not reveals nationwide institutional weaknesses that should be fixed. These contests are often intense personal rivalries for community power that can be highly emotive and, if not closely watched, can quickly turn violent. While religious and ethnic ties are accentuated by these tense races, to date they have not triggered any sectarian schisms. Many confrontations could be avoided in future polls by relatively simple changes in practices, policies and laws. Rather than being too small for national attention, these political battles matter to this large country because, since decentralisation, it is this level of public administration that has the greatest impact on the lives of citizens. How these elections take place can determine the judgments that voters make on the success or failure of democracy throughout the archipelago.

Violence occurred in fewer than 10 per cent of the 244 scheduled races. While one study found only thirteen incidents in local elections from 2005-2008, they appear to be rising as at least twenty have been recorded in 2010. Among the factors contributing to the increase in this round are anger with incumbents using family members as proxies to get around term limits and growing frustration with poor governance. When polls became violent people died, property was destroyed, voting was delayed and the legitimacy of the state was challenged. In Mojokerto district in East Java, Tana Toraja in South Sulawesi and Tolitoli in Central Sulawesi, campaigns linked to violence had exaggerated expectations that their candidate could oust an incumbent or his handpicked successor. In these cases, lax election commissions and police missed or ignored the warning signs.

There are also some positive aspects to this round. In places where lessons were learnt from the past, like the post-conflict district of Poso in Central Sulawesi, security forces, election organisers and community leaders were alert to the dangers and worked together early to avoid any ugly consequences. In such communities the elections proceeded without incident as all sides acted responsibly,

lawfully and showed common sense. More success stories need to be studied by national and district authorities as part of a systematic review of all elections.

The way district election commissions are chosen needs to be reconsidered to boost their legitimacy and effectiveness. Their indecisiveness lies in the selection of weak members who lack local authority, leadership skills and the ability to communicate effectively with constituents. Rather than seek out those who are respected and qualified, the commissions are often staffed by young and clever job-hunters looking for work and who are able to navigate the bureaucratic selection process. In the three violent cases in this report, the local commissions seemed too partial and had insufficient clout to do their job. They moved slowly, lacked transparency and were unprepared for unforeseen situations, a combination that only increased suspicions, raised tensions and drew allegations of bias. Security forces should maintain strict neutrality at all times during elections.

The funding of electoral administration from the regional government's budget undermines its independence. Consideration should be given to paying for local election authorities from the national coffers. There are few legal restrictions on local executives who can quite legitimately exploit state facilities and agencies to aid their re-election. The low level of trust in the process is compounded by prevalent vote buying, intimidation and the mobilisation of ethnic groups to support specific candidates. Better training and regulation of funding, improved selection processes for election bodies and national supervision could address these issues. Money allocated for election administration and security should not be fungible, diverted to other uses or misappropriated.

RECOMMENDATIONS

To the Government of Indonesia:

1. Improve local election commissions and oversight committees by providing central government funding, staffing them with people of stature in their communities possessing the maturity to handle crises, and training them to communicate effectively.

2. Empower local oversight committees and national election supervisors with the authority and resources to investigate irregularities and hand out initial adjudications rather than channel all electoral disputes to the constitutional court after a ballot has taken place.
3. Provide local election bodies with the authority to decide pre-voting disputes in consultation with the national commission and supervisors, which in turn should be staffed with members knowledgeable about dispute resolution.
4. Fund local polls using the national budget to end manipulation of these elections by district officials and ensure that money allocated to security is not arbitrarily withheld.
5. Simplify rules on candidate eligibility especially on education and party endorsements as well as clarify or drop rules on health requirements.
6. Ensure security forces remain neutral during elections.

Jakarta/Brussels, 8 December 2010

INDONESIA: PREVENTING VIOLENCE IN LOCAL ELECTIONS

I. INDONESIA'S LOCAL ELECTIONS

Sporadic violence has put the largely peaceful 2010 direct elections of governors, mayors and district heads in Indonesia under increased scrutiny.¹ While such disrupted races constituted less than 10 per cent of the more than 200 elections that have taken place so far in this second cycle,² these incidents have provoked debate on the future of direct voting at the local level.³ Assessing the most prominent violent cases suggests they remain the exception rather than the rule and arose from a blend of missteps by election organisers, police and candidates.⁴ As these incidents have increased from thirteen in the first cycle of local elections (2005-2008), to twenty this year alone, Indonesia needs to study why violence occurs, even if only on a small scale.⁵ Better electoral management could help prevent violence.

¹For studies of local elections in Indonesia, see Crisis Group Asia Briefings N°86, *Local Election Disputes in Indonesia: The Case of North Maluku*, 22 January 2009; N°81, *Indonesia: Pre-Election Anxieties in Aceh*, 9 September 2008; and N°57, *Aceh's Local Elections: The Role of the Free Aceh Movement (GAM)*, 29 November 2006.

²The second cycle of local elections started in April 2010 and will run until 2013. Originally, 244 regional elections were slated for 2010, which is around half of the total number of local polls in a cycle, but financial limitations and disputes have forced around 30 of them to be delayed until 2011. With that addition, Indonesia may have nearly 100 local elections in 2011 and almost 200 more in 2012 and 2013. Authorities have set 2014 for legislative and presidential elections only. There are calls to set a specific day or timeframe for all local executive elections but there has been no clear, well-designed proposal on how that can be done.

³Janedjri Gaffar, "Memikir Ulang Pemilihan Kepala Daerah", *Seputar Indonesia*, 5 September 2010.

⁴A full list of violent local election incidents in 2010 is contained in Appendix B.

⁵In the first seven months of 2010, only eleven out of 163 cases were considered by police as "high tension cases". Maria Jeanindya, "11 Daerah Memanas Karena Pemilu Kada", *Media Indonesia*, 11 August 2010. As of November 2010, twenty out of more than 220 elections were considered to have suffered "violent incidents" according to the national election oversight body or Bawaslu. "Kejadian Konflik Dalam Penyelenggaraan Pemilu

This report is based on field research in Mojokerto, Tana Toraja and Tolitoli districts, where election violence occurred, and Poso, where longstanding tensions were successfully managed. In the first three cases, supporters of the challenger to the ruling power used violence after the nominee's chance to win was suddenly denied. Under the law, natural or man-made disasters can halt the election.⁶

Besides the presence of a sudden trigger, the three cases also shared an unpopular incumbent who was considered corrupt but sought to prolong his term in office by re-election or through a proxy; an over-confident candidate who believed he could win and change the status quo; supporters of the candidate who had inflated expectations and acted uncontrollably; election organisers who were seen as biased towards the incumbent or his choice and failed to communicate key information; and police who were unprepared for mass violence or coordinated attacks. In post-conflict Poso, where violence was expected, the combined efforts of security forces, peace-minded candidates and diligent election organisers worked to keep tensions under control.⁷

Kada Tahun 2010", unpublished document, Badan Pengawas Pemilihan Umum Republik Indonesia, November 2010; and Crisis Group interview, Wirnyaningsih, Jakarta, 18 November 2010. The Indonesian Science Institute (LIPI), the country's leading research institution, cited thirteen cases of election violence in 2005 to 2008. Other sources have mentioned a few other cases outside the thirteen but there is no consensus on this figure. For LIPI's list, please read Mochammad Nurhasim (ed.), *Konflik Dalam Pilkada Langsung 2005-2008: Studi Tentang Penyebab dan Dampak Konflik* (Jakarta, 2009), p. 5. This book discusses the causes of violence in 2005-2008 local elections.

⁶Government Regulation No. 6/2005 article 149 (2) states a local election commission can delay an election if there is a riot, security troubles, a natural disaster or other disorder. Candidates and supporters in all three violent cases knew of this law.

⁷Poso was the site of intense Christian-Muslim fighting from 1999 to 2001 and many thought elections might reopen old wounds. For earlier reports on Poso, see Crisis Group Asia Briefing N°75, *Indonesia: Tackling Radicalism in Poso*, 22 January 2008; Asia Report N°127; *Jihadism in Indonesia: Poso on the Edge*, 24 January 2007; and Asia Report N°74, *Indonesian Background: Jihad in Central Sulawesi*, 3 February 2004.

A. DIRECT LOCAL ELECTIONS

Direct local elections were first held in Indonesia in 2005.⁸ From 1966-1974, former President Soeharto picked governors and oversaw the selection of mayors and the heads of districts, known as *bupati*.⁹ From 1974 until his downfall in 1998, district councils could vote for local executives. In practice, this was ceremonial as they only rubber-stamped Soeharto's choices. Councils would submit the names of three to five individuals – who had been pre-vetted – to the Ministry of Home Affairs and two names would be returned to the regions for a vote with a clear hint of Soeharto's preference.¹⁰ From 1999-2004, parties in the local councils could field pairs of candidates and each councillor had a vote. Jakarta vetted gubernatorial candidates but had no role in district elections.¹¹

Decentralisation has ebbed and flowed since Soeharto stepped down.¹² The 1999 decentralisation laws devolved fiscal and political powers to districts (*kabupaten*) and cities (*kota*), bypassing the provincial capitals and creating a new class of leaders who exercised their power with little control.¹³ Then in 2004, the national parliament took one step back by giving provincial and national governments more control over the districts in an overarching law on governance in the regions. This legislation also authorised direct local elections as part of a democratic transition away from the highly centralised state, gave regional administrations responsibility for financing their own polls, and allowed local councils the power to regulate district electoral organisers.¹⁴ These changes decen-

tralised Indonesian democracy without providing adequate mechanisms for checks and balances.

Decentralisation increased funds for regional governments and made running for local office very attractive. The 2004 law gives districts a general block grant from the central government that can make up 80 per cent of its revenue. A new district receives special start-up funds to construct facilities. The prospect of obtaining access to these spoils has motivated the ongoing creation of provinces and districts in a process of administrative fragmentation called *pemekaran*, literally “blossoming”. Since 1999, Indonesia's 292 districts in 26 provinces have expanded to 502 districts in 33 provinces, often at a rate quicker than effective legal, political and security infrastructure can be developed.¹⁵ Devolution of power to the regions also spread corrupt practices that have plagued Indonesia's national institutions and from which the electoral process has not been exempt.

From 1999-2004, support for a nomination was obtained by donations to political parties, which later evolved into vote buying with the beginning of direct elections.¹⁶ The current law requires a candidate to be endorsed by a party or a coalition of parties with 15 per cent of seats in the local council or the same percentage of the vote at the last legislative poll. This rule has encouraged would-be candidates to “shop around” for endorsements with each party putting a price on its nomination that is set by its central board in Jakarta after consultations with the district branch.¹⁷ A party can get multiple offers from aspirants with different ideologies and pick anyone, even an outsider over a party stalwart, for reasons varying from electability to the interests of preserving the power of a local elite group.¹⁸ In return for their support, voters expect something tangible from the candidates such as food, farm machinery, road improvements, medicine or cash.¹⁹

The expense of the nomination process and election itself leads those businesspeople funding campaigns to recoup their investment in the form of contracts once their candi-

⁸Indonesia's first local direct election occurred in Kutai Kertanegara district in East Kalimantan province on 1 June 2005.

⁹Law No. 18/1965 on Regional Government Principles. Local councils could propose names but the president could veto.

¹⁰Law No. 5/1974 on Government in the Regions. The choices were all from Golkar Party, Soeharto's political vehicle, which had the most seats in all Indonesian councils during his 1966-1998 rule. Many of those choices were active soldiers. On the role of the home affairs ministry in the Soeharto days, see Aloysius Benedictus Mboi, “Pilkada Langsung: The First Step on the Long Road to a Dualistic Provincial and District Government”, in Maribeth Erb and Priyambudi Sulistiyanto (eds.), *Deepening Democracy in Indonesia?: Direct Elections for Local Leaders (Pilkada)* (Singapore, 2009).

¹¹Law No. 22/1999 on Regional Government, article 31-41.

¹²In 1999, there was fear that giving increased power to the larger units would stoke separatist tendencies. Later, there were concerns from the central government that the districts, supported by their councils, had issued rules that contradicted national laws. Provinces and the home affairs ministry now can intervene when they find such contradictions.

¹³Law No. 22/1999 on Regional Government and Law No. 25/1999 on Financial Balance Between the Central and Regional Governments.

¹⁴Law No. 32/2004 on Regional Government, section 8.

¹⁵“Kode dan Data Wilayah Administrasi Seluruh Indonesia”, Indonesian Home Affairs Ministry's Regional Codes, May 2010.

¹⁶See examples of money politics in Indonesian local elections in Syarif Hidayat, “Pilkada, Money Politics and the Dangers of ‘Informal Governance’ Practices”, in *Deepening Democracy in Indonesia?: Direct Elections for Local Leaders (Pilkada)*, op. cit. The book is the best reference for Indonesian local elections.

¹⁷For a party-candidate deal in elections, see Michael Buehler and Paige Tan, “Party-Candidate Relationships in Indonesian Local Politics: A Case Study of the 2005 Regional Elections in Gowa, South Sulawesi”, *Indonesia*, vol. 84 (October 2007).

¹⁸Crisis Group interview, Golkar Party politician, Jakarta, August 2010.

¹⁹Susana Rita, “Pilkada Membuat Rakyat Mata Duitan”, *Kompas*, 13 August 2010.

date is elected.²⁰ Such blatant corruption has created more intense elections. New social movements have formed to oppose excessively corrupt incumbent's attempts to win a second term or, when prevented by term limits, to seek to bequeath an office to a family member.²¹ After Soeharto's six consecutive terms as president, all elected executives are limited to two consecutive five-year terms in office.²² But there is no restriction on suspects in corruption cases from running before a court reaches a verdict. With limited legal options to remove politicians thought to be abusing their office, coupled with poor anti-corruption law enforcement, opposing a corrupt incumbent at election is often seen as effective a means of tackling such officials as taking him or her to court, if not more so. It does not always work, however, and voters returned at least five high profile graft suspects to office in 2010.²³

The lucrative opportunities presented by decentralisation have also seen new forces emerge and old ones resurrected, including descendants of former sultans who want to restore the position of their family; economically powerful ethnic minorities; and politically-savvy civil servants who can exploit the bureaucracy to build a new dynasty. Religious and ethnic affiliations have been accentuated, including preference for indigenous candidates, known as *putra daerah* ("native son"). For such individuals and groups, especially in newly created districts, elections have become means to a new source of wealth.

In the first cycle of direct local polls from 2005 to 2008, disputes over rules, roll calls, and basic poll management introduced new tension to many districts. While statistics are still debated, one leading research institute found physical violence in less than 3 per cent of the almost 500 races.²⁴ Incidents mainly occurred when a candidate was

disqualified for failing to meet requirements or after projected results led losers to accuse winners of cheating. The aggrieved parties regarded election commissioners as partial and the committee refereeing the polls as ineffective. There were also cases in which tension rose after councils refused to accept the winners who defeated nominees of top local parties.²⁵

Attempts to improve the quality of local elections failed to address problems with electoral management accountability and refereeing disputes. In 2007, a new law on electoral bodies gave the national election commission (Komisi Pemilihan Umum, KPU) the power to supervise local elections and created a hierarchical chain of poll management from the national level down to the districts.²⁶ It stopped short of placing local elections under the KPU budget and maintained the financial dependency of district commissions on regional budgets. In 2008, the body overseeing national elections was made into a permanent agency, Badan Pengawas Pemilihan Umum or Bawaslu, which could now supervise similar bodies in the districts. Despite its mandate, the new national agency lacks the staff and resources to actively resolve disputes during local elections. In that same year, amendments were also introduced to allow independent candidates, complicating a process that should have been made easier to reduce tensions created by these procedures in the first cycle.²⁷

In this 2008 law, an important amendment was to improve electoral fairness by forcing incumbents to step down if they wanted to run for office again. This was supposed to level the playing field by reducing the involvement of the bureaucracy in any re-election attempt. The Constitutional Court struck down this change in June that year and ruled incumbents only need to take two weeks' leave of absence

²⁰ Suwardiman, "Desentralisasi Korupsi", *Kompas*, 8 October 2010. For explanations of the political transactions before elections from former office holders, read Hadi Supeno, *Korupsi di Daerah: Kesaksian, Pengalaman dan Pengakuan* (Jakarta, 2010).

²¹ In 2007, bupati were the single largest group of government officials implicated in corruption cases. See Firman Noor, "Tren Korupsi 2007: Fenomena Melokalinya Korupsi dan Alternatif Pemberantasannya", *Democracy Pilkada: Pusat Penelitian Politik LIPI Yearbook 2007* (2007), pp. 45-46.

²² See Ikrar Nusa Bhakti, "Polemik Istri Pejabat Maju Pilkada", *Seputar Indonesia*, 1 June 2010. He argued that a term-limited bupati can run again after a successor serves a five-year term. Some interpret Law No. 12/2008 article 58 (o) as barring a return to office after a successor's term. The ambiguity may persist until the Constitutional Court issues a ruling on this matter.

²³ Josie Susilo Hardanto, "Sikap Pragmatis Subukan Korupsi", *Kompas*, 8 October 2010. They are Bengkulu governor Agusrin Najamuddin, Rembang bupati Mochammad Salim, Lampung Timur bupati Satono, Kepulauan Aru bupati Theddy Tengko and Boven Digoel bupati Yusak Yaluwom.

²⁴ From the LIPI study cited above.

²⁵ Irvan Mawardi, "Anatomi Konflik Dalam Pilkada", Jaringan Pendidikan Pemilih Untuk Rakyat (www.jpjr.or.id), 15 February 2008.

²⁶ The related law is Law No. 22/2007 on Election Organisers. In Indonesian political literature, the law shifted local elections from rezim pemda (the regional government regime) to rezim pemilu (the election regime). On discussion of this "regime change", see Lili Romli, "Evaluasi Pilkada Langsung di Indonesia: Sebuah Catatan", *Democracy Pilkada: Pusat Penelitian Politik LIPI Yearbook 2007* (2007), pp. 2-3.

²⁷ Law No. 32/2008, the second amendment to Law No. 32/2004 on Regional Government, article 2 (a-e), allows independents to run in local elections if a pair has support from 3 to 6.5 per cent of the population in the region depending on its size. That support, verified by copies of the supporters' identity cards, must come from more than half of the sub-units of the particular region. This article emerged after the Constitutional Court ruled on 23 July 2007 that non-party candidates should be able to run in local elections following the post-conflict 2006 vote in Aceh province that allowed former separatist rebels to run as independents.

during the official campaign period.²⁸ This is an ineffective check against abuse of government facilities as candidates usually openly declare their candidacy and canvass support for re-election at least a year before the polls.

The partial revision of these laws was a lost opportunity to learn from the past as well as improve accountability, clarity and create credible dispute resolution procedures.²⁹ The weaknesses that were not fully addressed now contribute to the rising number of cases of violence in the cycle that started in 2010. Some other causes were specific to the second cycle. Firstly, in this round many incumbents reached term limits and scrambled to continue their access to power through proxies that included family members. Second, voters were increasingly frustrated with the lack of improvement in governance after decentralisation. Third, local elections have increased in profile as more money has flowed to them and voters have received information from survey groups, the media and campaigns. Before analysing these recent cases of election violence, it is important to understand Indonesia's election machinery and the stages of each election cycle that are prone to violence.

B. THE CURRENT ELECTION MACHINERY

Indonesian local elections are races between pairs, consisting of a candidate for the region's top seat and a nominee for the deputy who may come from different parties, professions or social groups. These tickets, party-endorsed or independents, race to win a majority or a plurality that must exceed 30 per cent of the votes. If no ticket reaches this minimum requirement, there will be a run-off between the top two. There are two institutions linked to the running of the polls: the regional election commission (Komisi Pemilihan Umum Daerah, KPUD) and the local election oversight committee (Panitia Pengawas Pemilihan Umum or Panwaslu). Since 2008, losing candidates can also challenge results at the Constitutional Court (Mahkamah Konstitusi, MK), whose decisions may alter the course of the election.³⁰

²⁸ Mahkamah Konstitusi Republik Indonesia, Putusan No. 17/PUU-VI/2010. The Constitutional Court Ruling on the Eligibility of Incumbents to Run in Local Elections, June 2008.

²⁹ Calls to empower the election organisers and dispute resolution process have been heard since the first round of local elections, including in Hamdan Basyar, "Pemetaan Masalah Krusial Dalam Pilkada 2005-2008", in *Konflik Dalam Pilkada Langsung 2005-2008: Studi Tentang Penyebab dan Dampak Konflik*, op. cit., pp. 31-64

³⁰ The younger, more respected Constitutional Court took over the duties to rule on local electoral disputes from the Supreme Court in October 2008. Law No. 32/2008, article 236 (c). The nine-judge court is located in Jakarta.

1. Local election commissions (KPUD)

There are two types of local commissions: provincial and district/city. The first organises gubernatorial elections as well as supervises and selects the latter, which then runs the polls locally. Each commission designs its own program, budget and schedule of related elections; sets technical guidelines for each stage and controls implementation; establishes the voter list using updated state data; ensures candidates meet minimum requirements; counts votes and announces results; follows up irregularities found by Panwaslu; and disseminates election information to the public.³¹ KPUDs also are tasked with forming committees at the sub-district level (*kecamatan*) and at polling stations.³² The law also obliges commissioners to stick to the schedule and communicate each step to the public.³³

The Jakarta-based KPU oversees provincial commissions and intervenes in cases that it deems need legal attention. It has no role in financing local polls. District and city commissions are funded from a specific budget line in the regional budget. In practice, local executives can cut its budget and holdback disbursements, complicating the running of the polls.³⁴ Incumbents also help form the KPUD that could oversee their re-election. Since 2007, commission applicants and selectors must have not been a member of any political party for the last five years. Incumbent district administrators have the right to appoint one of the five member selection team.³⁵

Commissioners are chosen through an open recruitment process with written exams, health checks and psychological tests that ends with a numerical ranking of applicants. The top five automatically are selected and are often young, politically inexperienced, but well-educated job seekers lacking local authority. The quantitative exams discourage older, recognised community leaders with less formal education and the rules bar respected former officials with recent party membership. Recruitment often occurs too close to the voting date, giving commissioners

³¹ Law No. 22/2007 on Election Organisers, article 9 (3) and 10 (3).

³² Ibid, article 10 (3d).

³³ Ibid, article 10 (4).

³⁴ On election budgeting problems, see Ben Hillman, "Deepening Democracy in Indonesia: Strengthening the Institutional Framework for Organizing Local Executive Elections", Multi-Donor Programme Support to Indonesia's Democratic Elections, March 2010.

³⁵ Before Law No. 22/2007 on Election Organisers was issued, members of political parties only needed to quit their party memberships if they wanted to become election commissioners or their selectors. The other four selectors are appointed by the local council collectively and by a higher ranking election commission.

little time to learn the rules and understand the political environment.³⁶

2. Local election oversight committee (Panwaslu)

An ad hoc body, the election oversight committee (Panwaslu), exists at each level to supervise polling and report violations to the police or the relevant election commission. It has no power to punish or compel a thorough investigation. They can only demand clarification from the implicated parties before passing the cases onto the police or KPUD with a request to act on their findings. These committees command little respect in the regions as their tenure starts when candidates register and stops when a winner is inaugurated. The low salary and status are disincentives for capable people to apply.³⁷ At the national level, Bawaslu manages the recruitment of these local committees and it has no capacity to play a referee who can intervene and settle potentially explosive disputes.

3. Constitutional Court (Mahkamah Konstitusi)

Candidates who believe winners cheated may challenge the outcome in the Constitutional Court within three days of the announcement of results by a KPUD. In order to win a case, they must provide evidence of widespread violations that are enough to affect the final outcome. The court can order a re-count, a partial or full re-vote, cancel an election, annul all votes for the winner, or dismiss the complaint. As of 6 December 2010, the court has received 215 cases related to the 2010 local elections and overturned 22 election results.³⁸ It has no criminal jurisdiction, although testimony in election dispute cases can then be used by police to build a case against perpetrators of violence or other irregularities.³⁹ Parties have generally accepted the court's rulings and its judges are seen as credible adjudicators. There have been accusations that judges have taken bribes from candidates and that the court has appointed the accuser himself to lead subsequent investigations.⁴⁰

³⁶ For more on the local election commissions, see Hillman, *op. cit.*

³⁷ A Panwaslu member receives as little as Rp.1 million (\$100) a month while candidates spend billions of rupiah campaigning. Crisis Group interview, Tana Toraja Panwaslu chief Agustinus Liang Buang, Makale, 19 September 2010.

³⁸ Mahkamah Konstitusi, Rekapitulasi Perkara PHPUD, 6 December 2010, www.mahkamahkonstitusi.go.id/.

³⁹ Nota Kesepahaman Mahkamah Konstitusi Republik Indonesia dengan Kepolisian Negara Republik Indonesia tentang Penegakan Hukum terhadap Tindakan Pidana Pemilihan Umum, No. 016/PK/SET.MK/2010, 10 August 2010.

⁴⁰ Former Constitutional Court staff Refly Harun said he saw someone preparing Rp.1 billion (\$100,000) to bribe judges. The court told him to form an independent investigation team to clarify his accusations but there has been no major finding.

Before April 2008, the power to adjudicate on election disputes was held by the Supreme Court (Mahkamah Agung, MA). Cases from district elections needed to go to the provincial high courts before parties could continue on appeal to the highest court. The proximity of provincial courts to the disputes put enormous pressure on the local judges. The regular courts already suffered from a poor reputation as they had for decades been seen as corrupt, easily bought and lacking in impartiality.⁴¹ Some of the Supreme Court rulings also sparked controversies that led to violence.⁴² In 2010, only one out of more than 200 MK rulings has triggered a violent reaction. This might have been avoided if there was strong will from other actors to implement the decision.⁴³ While still well-regarded and thought to be the cleanest court in Indonesia, this is not a durable solution. With only nine judges, the MK struggles to produce swift verdicts, particularly when there are too many disputes filed at once.

C. KEY STAGES IN DIRECT LOCAL ELECTIONS

There are three stages in the local elections with high potential for violence if the polls are not managed properly. The way election organisers communicate information at each stage can either defuse suspicions of bias or provoke anger.

Verification. KPUD verifies candidates have met strict education and health requirements as well as confirms they have received proper party endorsements.⁴⁴ This process can continue for 21 days after the registration dead-

"Mahfud MD Bentuk Tim Investigasi Markus di MK", <http://hukumonline.com>, 28 October 2010; and "Mahfud MD: Kami Sudah Menunggu 2 Minggu Tapi Tim Investigasi Nggak Nongol", *Rakyat Merdeka*, 22 November 2010.

⁴¹ The Constitutional Court was established in 2003 and consists of nine judges who can come from outside the judicial system as long as the person has more than a decade of experience in the field of law. There is a requirement that MK judges should not only hold a law degree but also be "statesmen with strong command of the constitution and state administration". The president, national parliament and Supreme Court each propose three names that all need presidential approval before they serve on the bench for five years. The tenure can be extended for no longer than another five years. Law No. 24/2003 on the Constitutional Court. Since 2008, MK has been led by Mohammad Mahfud MD, a former defence minister.

⁴² Supreme Court rulings led to violence in North Maluku and South Sulawesi provinces in 2007.

⁴³ See the description of the election violence in Kotawaringan Barat district in Appendix B.

⁴⁴ For complete requirements for local election candidates, see Law No. 32/2004 on Regional Government, article 58. There is no law requiring candidates to live in the districts where they are running.

line.⁴⁵ The minimum level of education for all candidates is a high school diploma. Some commissions require hopefuls to show all documents since elementary school and to have them verified with a recent stamp from the school or the local education office. This rule has led to accusations of forgery as candidates, especially those who come from remote areas, may no longer have these documents. The law also requires candidates to have medical checks to ensure they are healthy enough to serve for five years. Without clear guidelines, this process is arbitrary, ambiguous and lacking in transparency.⁴⁶ The law states a candidate must be “spiritually and physically healthy based on a full examination by a team of doctors”. Physicians need only mark yes or no in a standardised letter to the organisers.⁴⁷

Campaign. Local election campaigns last fourteen days and end three days before polling day. Campaigns are daytime events arranged by the KPUD. Candidates are responsible for the conduct of their campaigns, which start with an event called *visi-misi* (vision and mission) when candidates present their program to the local council. While the law states rallies can only take place at designated sites and street parades are forbidden, convoys transporting supporters to the venue are commonplace.⁴⁸ Civil servants, village chiefs and government officials, except candidates who must take leave during this period, are barred from participating in campaigns.⁴⁹

Polling day and vote-counting. Voting runs from 8am to 1pm and votes are counted immediately afterwards, usually before 3pm. Candidates can send observers to polling stations to report on irregularities.⁵⁰ The first count is open to the public with a volunteer yelling the choice on each ballot one by one. This allows observers to tabulate and phone-in the outcome to campaign camps. The reports are material for internal counts that can emerge as early

as 4pm depending on the number of stations and mobile network availability. Within three days, polling stations must transport ballots and the results in boxes to sub-district offices, where local committees have another three days to verify the count. Next, the boxes are transported to the KPUD, which take three more days before announcing the winner.⁵¹ This process may take longer in areas where travel is difficult. It is at this stage that suspicions of rigging can arise, especially if quick count results announced hours after voting, differ from the final outcomes.

⁴⁵ Law No. 32/2004 on Regional Government, article 60.

⁴⁶ Controversy related to the education and health requirements has been well-documented since 2005 but the KPU has failed to clarify them. See “Pedoman Kerja KPUD Dalam Melaksanakan Pilkada”, Centre for Electoral Reform in collaboration with USAID and IFES (International Foundation for Electoral Systems), 2005.

⁴⁷ Law No. 12/2008, the second amendment to Law No. 32/2004 on Regional Government, article 58 (e) and Government Regulation No. 6/2005, article 38 (1e) and (2b).

⁴⁸ On campaign restrictions, see Law No. 32/2004 on Regional Government, article 78.

⁴⁹ Law No. 12/2008, the second amendment to Law No. 32/2004 on Regional Government, article 58 (q) states incumbent governors, mayors and *bupatis* had to resign from their posts before running. That was challenged at the Constitutional Court which ruled on 4 August 2008 that incumbents only need to take two weeks’ leave like any other government official.

⁵⁰ Law No. 32/2004 on Regional Government, article 96. Observers need to show proof of mandate from the candidates.

⁵¹ KPUD in Poso used this timetable for districts in 2010. District election commissions have the right to set the timetable under supervision of provincial election commissions.

II. THE DISQUALIFICATION OF A CANDIDATE IN MOJOKERTO

On 21 May 2010, protestors angry at the disqualification of popular Muslim cleric and *bupati* candidate Dimiyati Rosid threw Molotov cocktails and torched cars at the Mojokerto district council in East Java. Given Mojokerto's proximity to Surabaya, provincial capital of East Java and Indonesia's second largest city, scenes of the violence were shown on national television and came to symbolise local election violence.⁵² The KPUD had disqualified Dimiyati on medical grounds though he protested he was perfectly healthy. Despite rumours of an impending attack, neither the KPUD nor the police took adequate steps to prevent it.⁵³

A. AN UNPOPULAR, UNELECTED BUPATI

The unpopular incumbent, Suwandi, rose from the deputy *bupati* post in 2008 when the *bupati* resigned to run for governor of East Java. In 2005, Suwandi was named as a suspect in a Rp.4.25 billion (\$475,000) corruption case involving school computers.⁵⁴ He also lost support when he moved his predecessor's confidants to less favoured positions, creating rifts in the bureaucracy.⁵⁵ When he became leader of the Golkar party branch and announced his intention to run in the 2010 elections, political foes started to look for alternatives.

Dimiyati, who led the Mojokerto branch of the Indonesian Ulama Council (Majelis Ulama Indonesia, MUI) for the last fourteen years, was one of two strong alternatives.⁵⁶ With many loyal supporters from his preaching and Islamic boarding school, a doctorate from a well-known state college, a prominent car rental business, and an easily recognisable face with a long white beard, he won endorsements from 22 small parties. The other alternative, who eventually became *bupati*, was businessman Mustofa Kamal, endorsed by the National Awakening Party (Partai Kebangkitan Bangsa, PKB), the party linked to mass-based Nahdlatul Ulama (NU), which is the dominant Muslim group in Mojokerto.⁵⁷

⁵² Mojokerto is 50km from the provincial capital, has complete mobile telephone coverage, and is covered by the Surabaya-based media.

⁵³ Crisis Group interview, Dimiyati Rosid, Mojokerto, 17 August 2010.

⁵⁴ The case is still under police investigation. "Polda Tetap Sidik Bupati Mojokerto", *Surabaya Pagi*, 9 March 2010.

⁵⁵ Crisis Group interviews, Mojokerto councillors, August 2010.

⁵⁶ MUI is an umbrella organisation of Indonesia's main Islamic groups.

⁵⁷ NU is Indonesia's largest Muslim organisation with more than 40 million members. It is a Sunni group that tries to balance

Voters in Mojokerto expected cash, food and other goods from the candidates.⁵⁸ Mustofa had the biggest war chest and support from bureaucrats who were sidelined by Suwandi. Mustofa was particularly known for upgrading village roads.⁵⁹ Dimiyati was the choice of voters who self-identified as devout Muslims.⁶⁰ His advisers told him external surveys had him in the lead before the verification stage and believed he could win the race in one round. Dimiyati did not expect to be disqualified because his diplomas came from recognised institutions, his party endorsements were sufficient and he considered himself to be in good health.⁶¹

B. UNEXPECTED DISQUALIFICATION

The Mojokerto KPUD hired the popular Surabaya-based Soetomo Hospital to conduct the required medical examinations of the four pairs who registered as candidates in March 2010. Dimiyati was deemed unfit in an ambiguous form letter that did not cite any reason for the decision.⁶²

The commissioners knew rejecting him on medical grounds would be controversial but did not anticipate any protests.⁶³ Mojokerto community leaders regarded the judgment as an insult to the respected cleric.⁶⁴ Dimiyati, who plays tennis, drives and travels regularly, accused the KPUD of conspiring against his candidacy. Doctors found Dimiyati had an untreated diabetic condition that has affected his brain, although this finding only became public during a provincial court session challenging the decision in May.⁶⁵

local Indonesian cultures and Islamic dogma. Many NU clerics, including former President Abdurrahman Wahid, have run for public office. Mojokerto is a NU base and Dimiyati is a NU cleric. For more on NU, see www.nu.or.id/.

⁵⁸ For Mojokerto money politics, see Didik Rachbini and Agus Herta Sumarto, "Demokrasi, Pemilukada and Money Politics: Studi Kasus di Kabupaten Mojokerto", Universitas Paramadina and Political Research Institute for Democracy, August 2010.

⁵⁹ Crisis Group interview, member of Mustofa Kamal's campaign, Mojokerto, 18 August 2010.

⁶⁰ The Javanese society is loosely divided into three classes – nobles (*priyayi*), religious Muslims (*santri*) and secular commoners (*abangan*). The divisions are no longer rigid due to inter-group marriages and open interactions.

⁶¹ Crisis Group interview, Dimiyati Rosid, 17 August 2010.

⁶² The letter stated Dimiyati Rosid "has been declared spiritually and physically unable to carry out the duties and obligations of a Mojokerto bupati", Surat Keterangan Hasil Pemeriksaan Kemampuan Secara Rohani dan Jasmani, 29 March 2010.

⁶³ Crisis Group interview, Ayuhandiq, Mojokerto KPUD chief, Mojokerto, 17 August 2010.

⁶⁴ Crisis Group interviews, Mojokerto community leaders, August 2010.

⁶⁵ "Sakit Gula Pemicu Kerusuhan Mojokerto", *Surya*, 27 May 2010.

In April, the KPUD tried to placate Dimiyati by bringing him back to the same hospital for further tests, but it backfired as doctors became even more concerned about his health. Another vague letter was issued, saying Dimiyati had “symptoms of multi-organ disorder” without explaining what they meant or how this would affect his capacity to govern. Yoga Wijayahadi, head of the medical team, said “doctors are backed into a corner” by limited vocabulary allowed by election laws and “are forced to make political statements” rather than show medical findings.⁶⁶ Back in Mojokerto, news of the content of the letters and Dimiyati’s disqualification raised tensions.

On 13 April, the day when candidates who passed the verification should have been announced, the commissioners blundered by not coming to their office to explain the process. Hundreds of Dimiyati followers, who came early to hear firsthand, had to wait for hours before a guard pinned a list of qualified candidates on a notice board. When the disqualification was confirmed, the crowd erupted in anger and Machradji Machfud, the secretary of Dimiyati’s team, organised a search for the five commissioners. They were held in a room and intimidated into saying they would let Dimiyati run, but were otherwise unharmed.⁶⁷ Police were unprepared to deal with an angry mob at night and made no attempt to rescue them. The crowd only dispersed at 2am after Dimiyati himself asked them to leave.⁶⁸

C. ATTACK AT THE LOCAL COUNCIL

District police initially managed to contain the tension. Anti-riot police were present whenever Dimiyati supporters rallied in front of the commission’s office. They also had extra tight security at an event in a Mojokerto hotel where candidates were told what order they would appear on the ballot.⁶⁹ After a few weeks, Machradji, the instigator of the protests, had to start to pay people to show up. Dimiyati himself chose to challenge the health judgment at a Surabaya provincial administrative court, although he knew that a ruling could not cancel the commission’s disqualification.⁷⁰ Meanwhile, police intelligence failed to detect another looming problem.

Machradji apparently hoped violence would cause the election to be cancelled. He managed to provoke Muklason Rosid, Dimiyati’s 40-year-old estranged brother, to join his cause.⁷¹ Muklason is a hot-headed preacher with an interest in the supernatural.⁷² The brothers were not close and Muklason had no interest in Dimiyati’s political aspirations. He actively disliked Suwandi and had a reputation for civil disobedience.⁷³ Muklason openly trained his followers in his village for an impending attack. Rumours of an attack seemed to have reached everyone in Mojokerto except the police. One person who heard about it was the head of the KPUD, although he did not think it was necessary to inform the police.⁷⁴

At 9am on 21 May, Muklason led 40 men, equipped with Molotov cocktails and steel bars, in an attack on the district council complex, just after the official campaign began.⁷⁵ In ten minutes, the attackers set 30 state-issued cars ablaze and injured eleven people, including officers who led the security detail.⁷⁶ They caught the police by surprise because the force that was in charge at that location was not the same district command that had contained the previous protests and that had received the bulk of election security funds.⁷⁷

ment. “PTUN Tolak Gugatan Pasangan Dimiyati Rosid”, www.tempointeraktif.com, 4 June 2010. Crisis Group interview, Nur Indah, Dimiyati’s legal counsel, Sidoarjo, 19 August 2010.

⁷¹Kejaksaaan Negeri Mojokerto, “Surat Dakwaan No. Reg. Perk. PDM – 382/Mkrto/Ep/07/2010”, indictment of Machradji Machfud bin Sulian, 12 August 2010.

⁷²Muklason likes to go to mystical sites in Java to meditate and takes in delinquents as students. NU followers are known to mix Islam with old Javanese practices like tomb meditations. Crisis Group interview, Aang Baihaqi, Muklason’s former school roommate and a community leader who currently heads a leading Islamic school in the district, Mojokerto, 18 August 2010.

⁷³Muklason before the election season went on a sit-in and erected road blocks to prevent the incumbent from entering his home village. He refused to move on police orders and only caved after his brother persuaded him to stop. Crisis Group interviews, Mojokerto, August 2010.

⁷⁴Crisis Group interview, Ayuhandiq, Mojokerto, 17 August 2010.

⁷⁵This was the *visi-misi* (visions and missions) explained earlier.

⁷⁶Kejaksaaan Negeri Mojokerto, “Surat Dakwaan No. Reg. Perk. PDM – 380/MKRTO/07/2010”, indictment of Muklason alias Gus Son bin Rosid, 12 August 2010. Government-issued cars in Indonesia have red number plates.

⁷⁷Since 1965, the Mojokerto region has been divided into Mojokerto city and Mojokerto district. Both have their own government, local council, election commission and police command. The city, which only has two tiny sub-districts, is surrounded by the *kabupaten*, which has eighteen large sub-districts. But the district still has its offices inside the city. For the first time in the 2010 election process, the district’s campaign kick-off took place inside the city and security coordination, including on the sharing of intelligence, between the two police forces was poor.

⁶⁶Crisis Group interview, Yoga Wijayahadi, Surabaya, 19 August 2010.

⁶⁷Crisis Group interview, election commissioner Afidatushlikha, Mojokerto, 20 August 2010.

⁶⁸Crisis Group interviews, Machradji Machfud and Afidatushlikha, Mojokerto, 20 August 2010. Also read “Massa Ketua MUI Kecewa”, *Surya*, 14 April 2010.

⁶⁹Crisis Group interview, Bambang Wahyuadi, head of Mojokerto’s election oversight committee, Pacet, 18 August 2010.

⁷⁰On 4 June 2010, the State Administrative Court in Surabaya dismissed Dimiyati’s challenge against the doctor’s health judg-

City rather than district police were in charge because the council building falls under their jurisdiction. They did not shield the venue or check who was going in and out of the complex.⁷⁸ The 60 officers from the district who were there to help guard the event were not told to bring weapons for deterrence. Muklason had surveyed the area an hour before the attack and had seen that the anti-riot squad from the city police were not in position.⁷⁹ The city police had no idea an attack by Dimiyati sympathisers was planned, although a Machradji-led civil society organisation filed a demonstration notice a few days before.⁸⁰ When the city police realised what was happening, they were able to easily chase away the attackers.

Surabaya-based East Java police took over within hours and Muklason and Machradji were arrested within days. They went on trial on 23 August at the Mojokerto district court.⁸¹ The trials did not attract much public attention, proving that the 21 May attack was a one-off incident without popular support. On 19 October, Machradji received a three-year jail sentence while Muklason was handed the same punishment two weeks later.⁸²

The KPUD could have prevented the escalation if it had been more forthcoming about the disqualification. Police could have disrupted the protest if adjacent commands had cooperated and acted on intelligence reports. One or two squads of anti-riot police, barricades and water cannons might have been enough to deter the attack.

III. CONFUSING “QUICK COUNTS” IN TANA TORAJA

The South Sulawesi district of Tana Toraja was the site of the worst election violence in 2010, when from 23 to 25 June, one person was killed and ballot boxes in thirteen out of nineteen sub-districts were torched as police stood by – or in some cases participated. Supporters of losing candidates, including the district’s former police chief, suspected the KPUD of conspiracy. They had received unofficial counts via text messages indicating their candidates had failed to force a run-off that could foil outgoing *bupati* Amping Situru’s dream of building a family dynasty.

A. PREVENTING THE EMERGENCE OF A LOCAL DYNASTY

Problems in Tana Toraja began when Amping Situru, a politically ambitious former clerk of the South Jakarta district court, returned a decade ago. Makale, the district capital, is his hometown. In 2000 and 2005 he was elected *bupati*, first by the district council then, when the rules changed, through direct vote. He is a member of Golkar, former President Soeharto’s political vehicle and the longstanding dominant party in South Sulawesi, but he failed to get endorsements from Golkar in 2000 and 2005 when he ran using nominations from rival parties. Local media claimed that he may have bribed politicians to win in the council vote in 2000.⁸³ His ten-year administration was marked by nepotism and corruption to the point that some called him a “little Soeharto”.⁸⁴

Term limits prevented Situru from standing again in 2010. He arranged for his politically inexperienced second wife, Adelheid Sossang, to run as a candidate for deputy *bupati* with Theofilus Allorerung, the eventual winner whom he had previously recruited in 2009 as his district secretary.⁸⁵

⁷⁸ Crisis Group interview, Mojokerto district police officers, 18 August 2010.

⁷⁹ Kejaksaan Negeri Mojokerto, indictment of Muklason, op. cit.

⁸⁰ Crisis Group interviews, Mojokerto city police officers, 20 August 2010. Officially, protestors should file a notice to the police before hitting the streets.

⁸¹ “Pakai Baju Safari dan Tebar Senyum, Dalang Kerusakan Mulai Disidangkan”, *Radar Mojokerto*, 24 August 2010.

⁸² “Dalang Kerusakan Mojokerto Divonis 3 Tahun”, *berita-jatim.com*, 20 October 2010; and “Terdakwa Kerusakan Divonis 3 Tahun Penjara”, *Kejaksaan Agung Republik Indonesia*, www.kejaksaan.go.id, 3 November 2010.

⁸³ Muannas, Edi Siswoyo et al., “Suap-Menyuap Dimana-mana”, *Tajuk*, third edition, third year, 24 April 2000. In 2000, the Indonesian Democratic Party Struggle of former President Megawati Soekarnoputri nominated Amping Situru, while he ran for re-election in the 2005 direct vote with endorsements from the Democrat Party of President Susilo Bambang Yudhoyono.

⁸⁴ Crisis Group interview, Toraja scholar Frans Dengen, Makale, 17 September 2010. Amping Situru was named as a suspect in 2006 in a graft case involving Rp.3.8 billion (\$400,000) of the regional budget but won a pre-trial in 2007 forcing prosecutors to improve the case before returning to court. The trial resumed in September 2010. “Bupati Toraja Segera Disidang Dalam Kasus Korupsi”, *Tribun Timur*, 20 August 2010; and “Mantan Sekda Tator: Pencairan Dana Perintah Amping Situru”, *Tribun Timur*, 22 November 2010.

⁸⁵ A district secretary is a civil servant who manages the daily administration in a *kabupaten*. Amping Situru tapped Theofilus Allorerung when the latter was working in South Sulawesi pro-

Since the transition to democracy in 1998, all elected officials can only serve for two consecutive five-year terms. It is not uncommon for local executives to push their wives, children or in-laws to succeed them.⁸⁶ After a break of one term in office, there is no law that bars them from running again for the same post after a successor's term ends.⁸⁷

The Theofilus-Adelheid ticket, which was endorsed by the ruling Golkar party, faced five challengers.⁸⁸ One was Victor Batara, Tana Toraja's former police chief, who had left his post in February 2010 just before the deadline for candidate registration.⁸⁹ He had a high local profile because he was the Central Sulawesi police spokesman during the prominent cases of the 2004 murder of a priest and the executions of three Christian militants in 2006.⁹⁰ Two other strong contenders were Nico Biringkanae, a bureaucrat who once worked for Amping and is Theofilus's cousin; and Yunus Kadir, a Muslim tycoon who grew up in the predominantly Christian district. Theofilus was generally popular; his main drawback was having agreed to take on Adelheid, widely seen as a pawn in Amping's plan to return to power.⁹¹

B. UNEXPECTED QUICK COUNTS

Tensions had been high during the 2000 and 2005 elections but the verification and campaign stages of the 2010 election were uneventful, creating a sense of complacency.⁹² Candidates filed a few complaints to the Panwaslu that

vincial government in Makassar. For Amping's political tactics, see George Junus Aditjondro, "Antara Godaan Uang dan Nepotisme Mantan Petahana", *Sinar Harapan*, 2 November 2010.

⁸⁶ Wives of the outgoing local executives in Bantul district in Yogyakarta province and Kediri district in East Java province succeeded their husbands after winning more than 50 per cent of the votes in 2010. "Awasi Kampanye Istri Bupati", *Seputar Indonesia*, 31 May 2010.

⁸⁷ See footnote 22.

⁸⁸ Golkar is the dominant political party in South Sulawesi province. The governor and most *bupatis* are Golkar members.

⁸⁹ Active police officers are not allowed to run in elections. Victor Batara did not resign from the force; he only took leave. His current status is in limbo because police have not issued a discharge although he has been off duty since February 2010.

⁹⁰ "Victor Batara Maju Pilkada Tana Toraja", *Radar Sulteng*, 19 October 2009.

⁹¹ According to Victor Batara, who is related to Adelheid Sos-sang, the incumbent's wife has a fear of public speaking. Crisis Group interview, Makassar, 15 September 2010.

⁹² The local council delayed the inauguration of Amping Situru as *bupati* for months in 2005 following mass protests against the alleged use of the bureaucracy in his re-election. Leading councillors exceeded their authority and recommended the annulment of the election results. "DPRD Bersikeras Batalan Pilkada Toraja", *Suara Pembaruan*, 22 July 2005.

Amping had threatened subordinates and turned government programs like water pump distribution into campaign largesse. The allegations went nowhere as they lacked hard evidence. The committee, who were also not paid between March and May 2010, had no resources to investigate these claims.⁹³ The KPUD made some mistakes in drawing up the voter lists but there was no serious protest from the candidates. The commission was led by Luther Pongrekun, a former district councillor and branch secretary of Golkar who was able to become an election commissioner after he quit the party in 2006.⁹⁴ These links to Golkar, Amping's political vehicle, did not bother Victor Batara at first because his uncle was also on the commission.⁹⁵

The prevailing calm differed from the 2000 and 2005 elections, which had been tense from the beginning. This encouraged Amping and the local council to cut the funding allocated for the polls, including for security. The KPUD asked for Rp.7 billion (\$785,000) but only received Rp.5.5 billion.⁹⁶ The police requested Rp.1.5 billion but the *bupati* and local council head Wellem Sambolangi, who replaced Amping as Golkar branch head in April 2010, only approved one fifth of this request. After negotiating, they agreed to allocate Rp.450 million for poll security. Disbursements were slow and the police were still owed Rp.175 million on polling day.⁹⁷

All candidates were confident of winning as advisers had told each before voting day, without any factual basis, that they were leading public opinion polls.⁹⁸ These consultants predicted a second round as nobody would get 30 per cent of the vote. The challengers agreed they would support each other if any of them ended up facing Theofilus in the run-off. As the election approached, most candidates believed that Theofilus and Adelheid would fail to avert a run-off, which they often predicted while campaigning.⁹⁹

⁹³ Crisis Group interview, Agustinus Liang Buang, Tana Toraja Panwaslu head, Makale, 18 September 2010.

⁹⁴ The rule that an election commissioner should not have been a political party member within the last five years was issued in 2007. Election Commission Regulation No. 13/2007 on the Selection of Members of Provincial and District Election Commissions.

⁹⁵ Crisis Group interview, Victor Batara, Makassar, 15 September 2010.

⁹⁶ Crisis Group interview, Luther Pongrekun, head of Tana Toraja KPUD, Rantepao, 17 September 2010.

⁹⁷ Crisis Group interview, Yudi Sinlaeloe, Tana Toraja police chief, Makale, 18 September 2010.

⁹⁸ "Yunus Kadir Diunggulkan Lembaga Survei Lokal", *Fajar*, 3 January 2010. Crisis Group interviews, candidates and campaign team members, Jakarta, Tana Toraja and Makassar, September 2010.

⁹⁹ Crisis Group interviews, Victor Batara, Makassar; Jansen Tangketasik, Yunur Kadir's running mate, Jakarta; Yohanis Linting, head of Nico Biringkanae's campaign team, Makale, Sep-

On 23 June, it became clear that these predictions were wrong – Theofilus and Adelheid did better than expected. Text messages registered disbelief and confusion. Tana Toraja is a large mountainous district where transportation is difficult but it is also a tourist site with good mobile coverage. Most residents, even in remote villages, have mobile phones and rely heavily on them. All candidates placed observers at each of the district's 400 polling stations who sent results to their respective campaign headquarters. When the counting ended at 3pm at polling stations, data centres at campaign headquarters began to receive results for the "quick count".¹⁰⁰ From then on, text messages circulated without any effort to confirm the information. A local pollster said many pre-election projections did not match the results but were within the margin of error which ordinary people tend to overlook.¹⁰¹

The more controversial text messages said the election commission's quick count had projected Theofilus as winning the election without a second round.¹⁰² By nightfall, several survey houses announced their quick count findings and confirmed most of the rumours.¹⁰³ This news startled his rivals. Supporters who had been coming to campaign centres to celebrate became restless and accused the KPUD of rigging the results in Amping's favour. The commission had yet to publish its quick count results but failed to counter the misinformation, creating more confusion.¹⁰⁴

tember 2010. All sources came to this conclusion after receiving reports from advisers who quoted names of various survey houses, some of them were not involved in Tana Toraja.

¹⁰⁰For an explanation of the quick count methodology, see Melissa Estok, Neil Nevitte and Glen Cowan, *The Quick Count and Election Observation: an NDI Guide for Civic Organisations and Political Parties*, National Democratic Institute for International Affairs, 2002. A quick count is not the same as political opinion research, or exit polling. A quick count is the process of collecting information gathered by volunteers at poll stations. Groups can either collect data from every polling station or take them from scientifically random samples to reach a projection. All main candidates in the Tana Toraja elections used this methodology, some with brief training from professional pollsters.

¹⁰¹"Lembaga Survey: Masyarakat Salah Artikan Survei", *Ujungpandang Ekspres*, 29 June 2010.

¹⁰²Crisis Group interviews, Victor Batara, Makassar, 15 September 2010; and Yohanis Linting, head of Nico Biringkanae's campaign team and deputy of Tana Toraja's local council, Makale, 18 September 2010.

¹⁰³Sulawesi-based pollsters Adhyaksa Supporting House and Script Inter Media projected that Theofilus won between 30 to 32 per cent of the votes with a margin of error of 3 per cent. "Adhyaksa Supporting House Unggulkan Theo di Toraja" and "Versi Script: Theofilus Menang 30 Persen di Tana Toraja", *Tribun Timur*, 23 June 2010.

¹⁰⁴Crisis Group interview, Luther Pongrekun, Rantepao, 17 September 2010.

C. DEADLY VIOLENCE

On the night of 23 June, supporters of Theofilus's three leading rivals set fire to ballot boxes, furniture from the official residence of the district council head, and archives of the election commission. The next day, the same group clashed with supporters of Amping Situru when they moved to attack the *bupati*'s house, perched on top of a hill in the town centre. The fight with rocks and spears killed one construction worker who tried to stop attackers from taking metal sheets, intended to be used for shields, from his building site. He died after being lanced through his torso.¹⁰⁵

Victor Batara argued that the torching of ballots was a spontaneous reaction to a conspiracy between election commissioner Luther Pongrekun and his old Golkar comrades in the government and local council. Attacks across thirteen of the district's nineteen sub-districts were almost simultaneous because supporters in outlying areas received text messages from their peers in Makale about the torching and copied their actions. He said his own supporters merely wanted the KPUD to clarify the quick count.¹⁰⁶ Witnesses said the mob went straight inside the office, pulled out what they could take, and then burned it on the road. Fearing the fire might spread; residents stopped them from burning the office.¹⁰⁷ Victor also said that protesters found ballot boxes stashed in the official residence of district council head Wellem Sambolangi. In a video played at the Constitutional Court in August 2010, an attacker shouts to the crowd that there are no ballots in Wellem's house.¹⁰⁸

The attacks appeared to be aimed at forcing cancellation of the election by destroying the ballots. The cash-strapped district police had most of its 400 officers assigned to remote polling stations across Tana Toraja. It was outnumbered and unprepared in almost all of the sub-districts where offices were attacked.¹⁰⁹

Police admitted the slow response was partly due to support from some officers for their former superior's cause; this is one reason they may have let the crowd run amok.¹¹⁰

¹⁰⁵"Rusuh Pasca Pilkada di Tana Toraja, Satu Tewas", *Fajar*, 25 June 2010.

¹⁰⁶Crisis Group interview, Victor Batara, Makassar, 15 September 2010.

¹⁰⁷Crisis Group interviews, witnesses of 23 June 2010 violence, Makale, September 2010.

¹⁰⁸Mahkamah Konstitusi Republik Indonesia, Putusan No. 124/PHPU.D-VIII/2010. The Constitutional Court Ruling on the Tana Toraja Election Dispute, August 2010.

¹⁰⁹"Kerusuhan Pilkada, Polisi Bukan Kecolongan Tapi Menyelamatkan Diri", *Toraja Cyber News*, 30 June 2010.

¹¹⁰Crisis Group interview, police officer in South Sulawesi province, 18 September 2010.

While Victor was seen at several places in Makale, he denied any wrongdoing and explained he had tried to stop protesters from burning the Golkar office as well as helping police contain the violence.¹¹¹ Supporters of other losing candidates said Victor's followers were the ones who urged others to join the violent rallies in Makale.¹¹² A prominent police officer said Victor had a key role in the coordinated attacks as he tried to divert the police, as he knew about their operations and budget constraints from his loyal former subordinates, especially those who shared his Toraja ethnicity.¹¹³ On 25 June, Victor's lead campaigner said "pro-change people will rise and there can be bloodletting" if Amping Situru, whom he accused of orchestrating vote irregularities, built a dynasty.¹¹⁴

Amping, who is on trial for corruption, immediately urged police to uncover the mastermind behind the violence but no case has yet to come to court.¹¹⁵ While police and election commissioners in Tana Toraja and the provincial capital Makassar have indicated that losing candidates or their teams were responsible, no witnesses have come forward.¹¹⁶ At the time, police arrested eighteen suspects but it is unclear whether they will be tried.¹¹⁷ Neither Victor Batara nor any other candidate has been summoned for questioning and there is public concern that this case may never be prosecuted.¹¹⁸

One arson attack took place in broad daylight in the hill-top sub-district of Kurra two days after the vote. On 25 June, after news of violence elsewhere reached the area, a farmer took ballot boxes from a school principal's office and burned them in a nearby field. He talked with the three police guarding the boxes before he torched them, according to school guard Eliza Tabon and principal Yohanis Tandi Ra'pak who witnessed the arson.¹¹⁹ The officers, believed to be loyal to Victor Batara, not only let

him do it but also prevented the guard from stopping him. The farmer did not touch anything else in the office and even apologised to the shocked principal before he left.¹²⁰ Police are investigating.¹²¹

The violence did not foil the election. The KPUD used copies of the vote count that were not stored in the boxes and, facing protests, held an emergency recap meeting in July. Police – reinforced by 1,000 troops and now funded in line with their original budget request – easily handled the demonstrators. In August, the Constitutional Court dismissed two complaints from the losing candidates – one from runner-up Victor Batara, who wanted Theofilus disqualified so that he could win, and the rest who demanded a cancellation of the poll and re-vote.¹²²

¹¹¹ Crisis Group interview, Victor Batara, Makassar, 15 September 2010.

¹¹² Crisis Group interviews, members of the losing candidates' campaign teams, Makale and Jakarta, September 2010.

¹¹³ Crisis Group interview, police officer in South Sulawesi province, September 2010.

¹¹⁴ Yunus Pakanan as quoted in "Tim Victory Ancam Berbuat Anarkis di Tana Toraja", *Tribun Timur*, 25 June 2010.

¹¹⁵ "Amping: Usut Dalang Keributan", *Ujungpandang Ekspres*, 25 June 2010.

¹¹⁶ "Polres Terus Usut Kasus Kerusuhan", *Palopo Pos*, 22 July 2010.

¹¹⁷ "Polisi Tahan 18 Tersangka Pelaku Kerusuhan di Tana Toraja", *Kompas*, 27 June 2010.

¹¹⁸ "Lembaga Adat Desak Kapolda Tangkap Otak Pelaku Kerusuhan Pascapilkada", *Toraja Cyber News*, 27 July 2010.

¹¹⁹ Mahkamah Konstitusi Republik Indonesia, Putusan No. 124/PHPU.D-VIII/2010. The Constitutional Court Ruling on the Tana Toraja Election Dispute, August 2010. The Constitutional Court named the arsonist as Tandi Bone.

¹²⁰ Crisis Group interviews, witnesses of 25 June 2010 violence, Kurra, 17 September 2010.

¹²¹ Crisis Group interview, Yudi Sinlaeloe, Makale, 18 September 2010.

¹²² Mahkamah Konstitusi Republik Indonesia, Putusan No. 125/PHPU.D-VIII/2010. The Constitutional Court Ruling on the Tana Toraja Election Dispute with Victor Batara as the sole plaintiff, August 2010.

IV. INTERFERENCE FROM JAKARTA IN TOLITOLI

In May 2010, the widespread burning of ballot papers in Tolitoli district in Central Sulawesi forced the KPUD to postpone elections planned for 2 June and then abandon its first contingency arrangement to hold the poll two weeks later. This violence erupted after the national election commission (KPU) made two contradictory decisions in less than a week after the sudden death of one of the deputy *bupati* candidates. The KPU initially declared the top of the ticket could still run without his deceased running mate. Three days later, it reversed its decision and it was this back flip that enraged the candidate's supporters. Their anger only subsided after the well-regarded Constitutional Court issued a ruling that affirmed the legality of the disqualification.

A. CHALLENGING THE ESTABLISHMENT

In 1999, at the start of decentralisation, Kabupaten Buol Tolitoli was divided into two separate entities along the lines of the indigenous ethnic groups of the same name.¹²³ Since then, Tolitoli has been dominated by the Bantilan clan, descendants of the pre-colonial sultanate that ruled the area. The main road leading to the town centre and the district's small airport are named after the clan. The *bupati* at the time of election was Ma'ruf Bantilan and the district secretary was his cousin Iskandar Nasir, another clan member. Other relatives also held key posts. In 2007, Ma'ruf was named in a corruption investigation that was later abruptly stopped by prosecutors.¹²⁴ In 2009, four of his former subordinates were named as suspects in another graft case related to the construction of a public market at Tolitoli's seaport and police have also been probing Ma'ruf's own involvement.¹²⁵

While Tolitoli is one of the country's most productive clove producing areas, revenue from the profitable cash crop has not lessened its isolation or improved its infrastructure. Power blackouts can occur several times a day,

telephone coverage is low, and potholes dot the roads that connect its outlying sub-districts along a 200km coastline. During the last decade, there had been growing public discontent at the lack of progress and how the political elite dominated by the Bantilans, the first family within the Tolitoli ethnic group, have administered regional development funds. Since 2003, civil society groups have revealed some suspicious contracts such as the alleged mark-up of the cost of the construction of the head of council's official residence, which have led to official probes against council members.¹²⁶ On 20 September 2007, five councilors, including a clan member, who had been tried for corruption surrendered to the authorities. They had spent the four previous months evading jail sentences imposed by the Supreme Court.¹²⁷

Reformers found an ally in Azis Bestari, a civil servant who organised an anti-Ma'ruf grassroots movement using a new party sponsored by the family of former President Soeharto.¹²⁸ Azis, who campaigned as the candidate for change, advocated a fairer distribution of regional funds to non-indigenous groups.¹²⁹ He is ethnically Bugis, an originally sea-faring group that hails from South Sulawesi and who constitute an important trading minority throughout eastern Indonesia. They have resided for generations in Tolitoli and with 44 per cent of its population were the largest single ethnic group, although they have never led the district.¹³⁰ Ethnicity, religion and race are historically

¹²³Law No. 51/1999 on the Division of Kabupaten Buol Tolitoli. The more developed Tolitoli was considered as the mother district. As part of decentralisation, districts that are carved out from a mother unit like Buol receive funds to build new government buildings, basic infrastructure and necessary public institutions.

¹²⁴Simpul Sulawesi Tengah FBB Prakarsa Rakyat, "Pengalaman Gerakan Pro Demokrasi di Sulawesi Tengah Tahun 2008", a paper presented in an NGO workshop called Lokakarya Forum Belajar Bersama Prakarsa Rakyat, Bali, February 2009.

¹²⁵"Ma'ruf Mengaku Tidak Tahu", *Radar Sulteng*, 30 September 2010; and "Mantan Bupati Tolitoli Diperiksa Terkait Dugaan Korupsi", *Antara*, 29 September 2010.

¹²⁶The groups include Yayasan Dopalak Indonesia (YDI), Forum Masyarakat Tolitoli (Tolitoli Society Forum) and Gerakan Rakyat Menggugat (Movement of Defiant People). Taufik Rinaldi, Marini Purnomo and Dewi Damayanti, *Memerangi Korupsi di Indonesia yang Terdesentralisasi: Studi Kasus Penanganan Korupsi Pemerintahan Daerah, Justice for the Poor Project*, World Bank, Jakarta, May 2007.

¹²⁷"5 Koruptor Tolitoli Dijebloskan Ke LP", *Radar Sulteng*, 26 September 2007.

¹²⁸Partai Karya Peduli Bangsa (PKPB, Concern for the Nation Functional Party) was set up in 2002 to be the political vehicle of former President Soeharto's daughter Siti Hardiyanti Rukmana who was sidelined when her father's former party, Golkar, went through reforms following its loss in the 1999 legislative elections. Idham Dahlan is one of the many pro-change activists who supported Azis because the aims of anti-corruption and ethnic minority groups converged – both wanted to oust the establishment. Idham, an ethnic Buol who was involved in the 2010 violence, leads Yayasan Dopalak Indonesia, a group that initiated the anti-graft protests in 2003. Crisis Group interview, Idham Dahlan, Tolitoli, 27 September 2010.

¹²⁹He led the Tolitoli branch of the South Sulawesi Family Association, (Kerukunan Keluarga Sulawesi Selatan, KKSS), an organisation linking Bugis across Indonesia and beyond, from 2004-2009. Most of the PKPB Tolitoli leadership are Bugis.

¹³⁰Karakteristik Penduduk Tolitoli, Hasil Sensus Penduduk Tahun 2000, Series L2.2.24.24.06, Badan Pusat Statistik Sulawesi Tengah, November 2001. In 2000, there were 76,757 Bugis out of a total population of 173,237 in Tolitoli.

sensitive and some thought that Aziz over-emphasised his ethnicity for political benefit.¹³¹

In December 2003, Aziz resigned from the civil service to run in the 2004 parliamentary elections.¹³² The *bupati* blocked his nomination by first rejecting the resignation and then firing him after the registration deadline.¹³³ In Tolitoli's first direct election in 2005, Aziz challenged the incumbent. Ma'ruf received 45 per cent of the vote and Aziz 34 per cent. At that time, he accused the KPUD of vote-rigging and his supporters protested, forcing police to use fire hoses to disperse them. The protests subsided after Central Sulawesi's governor validated the count.¹³⁴ The rivalry continued in the 2009 parliamentary polls when both Aziz and Ma'ruf stood for district council seats. With backing from fellow Bugis and other pro-change groups, Aziz got the most individual votes and became council head, while Ma'ruf, whose tenure would end in 2010, failed to be elected.¹³⁵

In the 2010 election for *bupati*, Aziz was the only non-Bantilan candidate.¹³⁶ The others were Iskandar, supported by the outgoing *bupati*; Saleh Bantilan, a former district council head; and Ismail Bantilan. In an ethnic balancing act, the Bantilan candidates chose Bugis running mates while Aziz picked Amiruddin Nua, an ethnic Buol married to a Bantilan and who was once Ma'ruf's right hand man before being sidelined.¹³⁷ Aziz' rallies were well-attended and his team was confident of a landslide vic-

tory.¹³⁸ Despite being otherwise thoroughly prepared, they never made contingency plans for Amiruddin's death.

B. THE DEATH OF THE RUNNING MATE

As campaigning reached its peak, Amiruddin died suddenly at dusk on 26 May, six days before the election. The day before the 52-year-old had campaigned in far-flung Dampal Selatan sub-district, a Bugis stronghold, and he was slated to join the largest planned rally at the district's main field the next day. His unexpected death raised questions about how the law would be applied and it was interpreted differently by the opposing camps. The relevant article states:

In a case when one of the candidates or pairs dies between the start of the campaign and the day of voting and there are still two or more pairs running, the process of the election of the regional head and deputy regional head should proceed and the pair that died cannot be replaced and should be dismissed.¹³⁹

Lawyers told Aziz that he could still run because the article did not cover the death of a running mate; it only referred to the candidate and the pair. His camp prepared Amiruddin's wife to take her husband's spot and were counting on sympathy votes. His opponents, especially the incumbent's choice, Iskandar Nasir, believed Aziz should drop out of the race.¹⁴⁰ Their eagerness to see him disqualified prompted suggestions that rivals might have used traditional magic to kill Amiruddin.¹⁴¹

In the confusion, local election commissioners turned to their national colleagues for a ruling. As it happened, district and provincial commissioners were in Jakarta on 26 May to report to the KPU how they had handled a separate disqualification case. To discuss the impact of Amiruddin's death, they met with national commissioner Andi Nurpati, an ethnic Bugis, who insisted the ticket would only be invalid if both candidates in the pair died. Alfian Mansyur, head of KPUD Tolitoli, did not agree but respected

¹³¹ Crisis Group interviews, Alfian Mansyur and Yoel Mulait from KPUD Tolitoli, Tolitoli, 24 September 2010.

¹³² Civil servants are forbidden from being part of a political party. Government Regulation No. 12/1999 on Civil Servants in Political Parties. Until President Soeharto's 1998 downfall, all civil servants were told to support Golkar. The 1999 regulation was part of sweeping political reforms to dismantle centralised leadership. Golkar still dominates many areas in Sulawesi, including Tolitoli.

¹³³ "KPU Tolitoli Minta Fatwa Terkait Kemelut Pencalegan Aziz Bestari", *Radar Sulteng*, 10 January 2004; and "KPU Tolitoli Diminta Minta Maaf ke Tiga Media", *Radar Sulteng*, 18 May 2004.

¹³⁴ Laporan Kegiatan Anggota DPD RI Sulawesi Tengah di Daerah Pemilihannya, August 2005; and "Pendukung Aziz Demo KPUD Tolitoli", *Radar Sulteng*, 2005.

¹³⁵ Crisis Group interview, Yahdi Basma, member of Central Sulawesi KPUD, Palu, 28 September 2010.

¹³⁶ "Amiruddin Dinilai Layak Dampingi Aziz Bestari", *Radar Sulteng*, 28 December 2009; and "Aziz-Amir Kunjungi Raja Buol", *Radar Sulteng*, 5 April 2010.

¹³⁷ Amiruddin served as Tolitoli's district secretary, the top civil service post in a *kabupaten*, until 2009 when the *bupati* replaced him with Iskandar, a move that the provincial state administrative court considered illegal. "Gugatan Mantan Sekab Dikabulkan", *Radar Sulteng*, 5 May 2009. The case was at appeals stage at the time of election.

¹³⁸ Crisis Group interview, Husni Buhayer, Aziz Bestari's campaign team spokesman, Tolitoli, 27 September 2010.

¹³⁹ Law 12/2008, the second amendment to Law 32/2004 on Regional Government, Article 62 (2) and Election Commission Rule 68/2009 on Technical Guide for the Candidacy in Elections of Regional Head and Deputy Regional Head, Article 68(4).

¹⁴⁰ Crisis Group interview, Husni Buhayer, Tolitoli, 27 September 2010.

¹⁴¹ The magic argument was even used by Aziz Bestari's lawyer in the Constitutional Court proceedings regarding the disputed article on disqualification, inviting heckling from the panel. Mahkamah Konstitusi Republik Indonesia, Risalah Sidang Perkaranya No. 40/PUU-VIII/2010, Transcript of the Constitutional Court session on 14 June 2010.

his superior's decision. Local commissioners thought a final verdict would only emerge after a full meeting of the national body the next day.¹⁴² They were shocked to find that Andi had drafted a letter in Azis's favour, which by 7pm was signed by KPU head Hafiz Anshary.¹⁴³

The letter was faxed to Tolitoli that night and reached Azis Bestari's camp even before it was read by Alfian Mansyur, to whom it was addressed, as he was still in Jakarta.¹⁴⁴ The campaign team made thousands of copies and circulated them throughout the district on 27 May, inflating hopes and giving the Azis campaign a second wind.¹⁴⁵ On the same day in Jakarta, the KPU had its scheduled meeting with the parliament and lawmakers, including a Bantilan clan member. The national oversight body Bawaslu criticised the ruling. In response, the Jakarta-based commission backtracked and on 29 May issued a letter saying that Azis could not stand after all, triggering anger in Tolitoli where his supporters felt they had been tricked.¹⁴⁶

To make matters worse, the Central Sulawesi governor issued a ruling on 30 May to ignore the second letter and tensions in Tolitoli rose sharply. The home affairs ministry overruled him on 31 May, ordering him to abide by the second KPU ruling and to ensure the 2 June 2010 elections proceed without Azis.¹⁴⁷

The inappropriate intervention in Tolitoli was one of the reasons why Andi Nurpati was officially dismissed from the KPU on 30 June.¹⁴⁸ Other officials accused her of ruling in Azis's favour out of loyalty to her fellow Bugis.¹⁴⁹ Even if that is true, chief commissioner Hafiz Anshary's signature was on both letters and this highlights poor leadership and a lack of proper process in adjudicating such a potentially explosive case. These are systemic failures that need to be acknowledged and addressed.

¹⁴²Crisis Group interview, Alfian Mansyur, Tolitoli, 24 September 2010.

¹⁴³Komisi Pemilihan Umum, No. 320/KPU/V/2010, 26 May 2010. The letter is popularly known as 320.

¹⁴⁴Crisis Group interview, Alfian Mansyur, Tolitoli, 24 September 2010. Up until now, Alfian has not received the original copy of the letter.

¹⁴⁵Crisis Group interview, Yahdi Basma, Palu, 28 September 2010.

¹⁴⁶Komisi Pemilihan Umum, No. 324/KPU/V/2010, 29 May 2010. The letter is popularly known as 324.

¹⁴⁷Surat Gubernur Sulawesi Tengah No. 270/410/RO.ADM. DEM.

¹⁴⁸Komisi Pemilihan Umum, "Rekomendasi DK KPU: Andi Nurpati Diberhentikan Sebagai Anggota", 30 June 2010. The main reason behind her dismissal was the decision to join Susilo Bambang Yudhoyono's Democrat Party.

¹⁴⁹Crisis Group interviews, Bawaslu official and Tolitoli election organisers, Jakarta and Tolitoli, August-September 2010.

C. TORCHING AND ELECTION DELAYS

The contradictory rulings generated anger among Azis Bestari's followers, who already felt cheated, having been shut out of the race in 2005. They saw another conspiracy to thwart change in Tolitoli and they accused Alfian Mansyur, a Bantilan clan member, and the KPUD of plotting against their candidate.¹⁵⁰ On 31 May, the commission decided to cross out the disqualified candidate's face on the printed ballots and stick to the 2 June election date. In the early hours of 1 June, dozens of residents torched the office where ballots were stored in Dampal Selatan sub-district, the Bugis stronghold where Amiruddin had campaigned for the last time. That incident was quickly followed by coordinated arson attacks on ballots in seven out of Tolitoli's ten sub-districts, involving Azis supporters and pro-change activists. No one was injured.¹⁵¹

Police had anticipated there would be a heated reaction towards Azis's disqualification but were still unprepared. In each place, some 100 attackers confronted no more than four officers on night guard duty. Tolitoli police chief Ahmad Ramadhan ordered officers not use their firearms to avoid wider unrest and to allow attackers to grab the ballot boxes, if necessary to stop the burning of buildings.¹⁵² The order saved five sub-district offices from damage, but not the election.¹⁵³

Arson attacks also occurred in Tolitoli's town centre where ballots were stored some 200m from Azis Bestari's campaign headquarters. A spokesman denied there was an order from the candidate to create unrest to halt the election and acknowledged his team did not try to stop supporters marching towards the sub-district office.¹⁵⁴ As of September, 38 attackers have gone on trial. None has implicated Azis, although police and prosecutors feel there is a conspiracy of silence to protect the masterminds behind the attacks.¹⁵⁵ As of 22 October, 32 had received six-month sentences for arson.¹⁵⁶

¹⁵⁰Crisis Group interview, Idham Dahlan, detained attacker, Tolitoli, 27 September 2010.

¹⁵¹"Pemilukada Tolitoli Membara", *Radar Sulteng*, 2 June 2010.

¹⁵²Crisis Group interview, Ahmad Ramadhan, Tolitoli police chief, Tolitoli, 24 September 2010.

¹⁵³Attackers did not want to create uncontrolled damage. In one case they dragged ballots from the site to prevent the fire from reaching electricity poles. Crisis Group interview, Hendra Hermawan, Tolitoli prosecutor, Tolitoli, 24 September 2010.

¹⁵⁴Crisis Group interview, Husni Buhayer, Tolitoli, 27 September 2010.

¹⁵⁵Crisis Group interviews, police and prosecutors, Tolitoli, 24 September 2010.

¹⁵⁶"Pembakar Logistik Divonis 6 Bulan", *Mercusuar*, 23 June 2010.

The attacks forced elections to be postponed until 15 June. Rivals agreed to let Azis file a judicial review in the Constitutional Court, challenging the article in the election law that blocked his run. Tolitoli leaders thought the court would rule within two weeks. By polling day there had been no ruling and the KPUD had printed new ballots excluding Azis. His supporters again besieged the election commission and accused Ma'ruf Bantilan of financing the new ballots. Ballots in two villages were torched as unprepared police failed to stop motorcyclists from throwing Molotov cocktails.¹⁵⁷ In the face of legal uncertainty, the commission delayed the vote again.¹⁵⁸

On 19 July, the Constitutional Court, which had a heavy caseload in mid-2010, finally ruled there was nothing unfair about the article that ended Azis's candidacy. The national election commission could have prevented this dispute from going that far if it had delivered a single, well-considered pronouncement after Amiruddin's death. Azis accepted the ruling and there has been no violence since.

On 31 July, Tolitoli finally had its election with more than 1,000 police officers and soldiers standing guard, this time with orders to deal firmly with any attempt to disrupt the process.¹⁵⁹ The voter turnout was 57 per cent and it proceeded uneventfully. On polling day, disappointed Azis supporters boycotted, defaced the candidates on the ballots, or chose Saleh Bantilan, the only rival who went to Amiruddin's funeral.¹⁶⁰ Saleh won by a margin of just 1 per cent.¹⁶¹

V. VIGILANCE AND COORDINATION IN POSO

One area where local election violence was expected and did not materialise was Poso, the former conflict area in Central Sulawesi.¹⁶² While the election on 2 June 2010 had its share of tension, with all sides alert to the possibility of how religious and ethnic disputes could tear a community apart, they worked together to ensure that campaigning, voting and vote-counting all went ahead relatively peacefully.

A. CONFLICT AND ELECTIONS

Present day politics in Poso is shaped by the Christian-Muslim conflict from 1998 to 2001 that then lingered with violence from terrorist groups until January 2007. It bequeathed a sharply divided community and led the region's politicians to re-establish an old consensus that acknowledges power-sharing between the two groups as a pre-requisite to avoid reigniting this deadly struggle.¹⁶³ In December 1998, the trigger of Poso's inter-religious war was a fight between two young men from each group near a mosque when Muslim and Christian contenders were vying for the post of *bupati*. It was later fuelled in 1999 by the minority Muslims grabbing the three main local government positions – the *bupati*, deputy *bupati* and regional secretary – thereby marginalising those from the indigenous Christian Pamona ethnic group.¹⁶⁴ Before, the

¹⁶²For earlier reports on Poso, see Crisis Group Asia Briefing N°75, *Indonesia: Tackling Radicalism in Poso*, 22 January 2008; and Asia Reports N°127; *Jihadism in Indonesia: Poso on the Edge*, 24 January 2007; N°103, *Weakening Indonesia's Mujahidin Networks: Lesson from Maluku and Poso*, 13 October 2005; and N°74, *Indonesia Backgrounder: Jihad in Central Sulawesi*, 3 February 2004.

¹⁶³The most populated among Poso's eighteen sub-districts is the rural, mountainous Pamona Utara which is 98 per cent Christian. The missionary enclave of Tentena is in this area. The second is urban Poso Kota where it is 98 per cent Muslim. In 2009, 59 per cent of Poso's population was Christian while Muslims were 37 per cent. "Sulawesi Tengah Dalam Angka 2010", Badan Pusat Statistik Sulawesi Tengah, August 2010.

¹⁶⁴Ex-vice president Jusuf Kalla, peacemaker of the Poso conflict, believed it was the 1999 council vote in Poso that led to the marginalisation of Christians in the civil service. "Wapres: Ketidakadilan Penyebab Paling Mendasar Konflik", *Antara*, 7 May 2008. Also read Graham Brown and Rachel Diprose, "Bare-Chested Politics in Central Sulawesi: Local elections in a Post-Conflict Region", in *Deepening Democracy in Indonesia?: Direct Elections for Local Leaders*, op. cit.; "Breakdown: Four Years of Communal Violence in Central Sulawesi", Human Rights Watch, 4 December 2002; and Komisi Untuk Orang Hilang and Korban Tindak Kekerasan, *Konteks Konflik Poso Pe-*

¹⁵⁷"Surat Suara Dibiayai Ma'ruf Bantilan", *Mercusuar*, 15 June 2010.

¹⁵⁸"Surat Suara Tanpa Gambar Azis", *Mercusuar*, 14 June 2010.

¹⁵⁹"1,000 Polisi Amankan Tolitoli", *Mercusuar*, 31 July 2010.

¹⁶⁰"Golput Tinggi Untuk Azis", *Mercusuar*, 3 August 2010.

Only 83,469 voters out of 146,227 voters went to Tolitoli's 420 polling stations.

¹⁶¹Mahkamah Konstitusi Republik Indonesia, Putusan No. 134/PHPU.D-VIII/2010, August 2010. The ruling affirmed Saleh Bantilan's victory.

positions had been shared. In the 2005 direct *bupati* election, the five pairs that ran were all Christian-Muslim combinations.

The 2005 winner had two qualities many residents wanted – a security background and a Poso lineage. Piet Inkiriwang is a former policeman whose mother came from one of Poso's indigenous Christian villages, even though he had spent most of his life outside Central Sulawesi. His closest rival was Frans Sowolino, a respected Poso Christian civil servant and a signatory to the Malino peace accords.¹⁶⁵ Dede Atmawijaya, a Muslim soldier from West Java who had served in Poso, came last out of the five.

In the approach to the 30 June 2005 elections, bombs exploded in Muslim-held Poso Kota, the district's downtown, where none were injured, and the Christian enclave of Tentena, where 22 were killed.¹⁶⁶ The election commission faced angry criticism from rivals for allowing the former policeman to run even though Piet could not provide school diplomas. The commissioners used the media and council hearings to persuade voters that a police officer could never reach the rank of colonel without graduating from high school.¹⁶⁷ The local council first refused to recognise Piet's victory, then relented after pressure from national and provincial leaders to respect the 2004 law that removed their power to select the *bupati*.¹⁶⁸ The then top commissioner, Yasin Mangun, came from one of Poso's most respected Muslim families, which bolstered his authority. The KPUD was supported by the thousands of extra soldiers and policemen deployed to secure the conflict zone.

It was widely acknowledged that creative communication, constant coordination, a visible security presence, and all-round vigilance were essential to the successful 2005 election. In 2010, this was not forgotten and all sides drew on this experience when they set out to secure Poso's second local election.

riode 1998-2001, www.kontras.org/poso/data/teks/Kronik Pra Malino.doc.

¹⁶⁵ Malino is the South Sulawesi resort area where 25 Muslims and 25 Christians from Poso signed a declaration to stop the attacks against one another. Former Vice-President Jusuf Kalla initiated the meeting. For more on the Malino accord, see Crisis Group Report, *Indonesia Backgrounder: Jihad in Central Sulawesi*, op. cit.

¹⁶⁶ On the Tentena bombings, see Crisis Group Report, *Weakening Indonesia's Mujahidin Networks: Lesson from Maluku and Poso*, op. cit.

¹⁶⁷ Crisis Group interview, Yasin Mangun, head of 2004-2009 Poso election commission, Palu, 20 September 2010.

¹⁶⁸ "Berdemokrasi ala Poso", *Seputar Rakyat*, Ed. V, Tahun II, 2005.

B. ANTI-INCUMBENT RIPPLES

Piet governed with security as his first priority and worked closely with intelligence agencies to remove Muslim militants from Java who had gathered in Poso city. In early 2007, he backed the operations that rounded up militants for trial or to be sent home.¹⁶⁹ While his resolve won respect, his political manoeuvres and poor governance created enemies. He left the Christian party that backed him in 2005 and joined the stronger Democrat Party of President Yudhoyono. This prompted former political allies to resurrect the matter of his missing diplomas and the creation of a movement calling for his resignation. Piet thought his own Muslim deputy was part of the conspiracy and marginalised him.¹⁷⁰ Religious leaders also attacked his handling of the Rp.58 billion (\$6 million) conflict recovery funds from the central government and a Christian minister called on the Jakarta-based Corruption Eradication Commission to investigate him.¹⁷¹

Ignoring the criticism, Piet campaigned for re-election in 2010 on a strong security platform and reminded voters of his role in bringing peace to Poso to the chagrin of the signatories of the Malino peace pact. These Muslim and Christian elders thought the *bupati* was trying to belittle their efforts and argued that Piet only came to Poso when the situation was getting better.¹⁷² Muslim cleric Adnan Aرسال and Christian minister Rinaldi Damanik, the two best-known players in the communities during the conflict, led the movement to oppose Piet and resurrected the issue of his missing diplomas. Neither supported any candidate in the elections and both had lost much of their influence in the past four years.¹⁷³ They were mostly motivated by the government's failure to rebuild houses destroyed in the

¹⁶⁹ "Sepuluh Jam di Tanah Runtuh", *Tempo*, 29 January 2007. Also see Crisis Group Report, *Jihadism in Indonesia: Poso on the Edge*; and Crisis Group Briefing, *Indonesia: Tackling Radicalism in Poso*, both op. cit.

¹⁷⁰ Muhammad Najib Azca, "Ayat-ayat Damai dari Poso", *Koran Tempo*, 10 April 2008.

¹⁷¹ "Warga Poso Tuntut Dana Pemulihan Rp. 58 Miliar", *Sinar Harapan*, 26 February 2008.

¹⁷² Crisis Group interviews, Malino signatories Adnan Aرسال and Nelly Alamako, Poso, 22 September 2010.

¹⁷³ Rinaldi Damanik was the head of Central Sulawesi Christian Church (GKST) synod, the strongest denomination in Poso. He resigned in September 2006 after the execution of three Christian militants from Poso. Adnan Aرسال was the head of Muslim Congregation Struggle Forum in Poso (FSPUI Poso) who first harboured the Muslim militants from Java but later helped police. Aرسال said Piet considered the elders as "toothless old men". Crisis Group interview, Adnan Aرسال, Poso, 22 September 2010.

conflict and to push for an end to the segregation of Muslims and Christians.¹⁷⁴

Piet faced three weak rivals, all of them Christians.¹⁷⁵ Frans Sowolino, an academic who left the civil service after Piet sidelined him following the 2005 poll, ran for the second time. He thought he could appeal to voters unhappy with the economic dominance and bureaucratic power of those who lived outside Poso during conflict, as symbolised by the *bupati*. However, he had no funds. The two others were Chinese entrepreneurs Sonny Tandra, who lives in Palu, and Jakarta-based Hendrik Gary Lyanto. Both had ambitious programs that were out of touch with local needs.¹⁷⁶

Many, including the police, recognised that the 2010 elections in Poso could turn violent.¹⁷⁷ The fear was well-founded; anti-incumbent sentiment could have sparked trouble at several incidents. At a 6 April hearing on Piet Inkiriwang's educational credentials, a Muslim supporter of the *bupati* punched Reverend Rinaldi Damanik, who was pressing the election commission to reveal the truth about the missing diplomas. On 31 May, supporters of the Christian challengers surrounded the house of a Muslim election commissioner at 3am to clarify the rumour that 30,000 ballots had been marked for the incumbent.¹⁷⁸ In a sharply divided community like Poso, a simple trigger could have reignited old religious rivalries although there was nothing sectarian about the tensions in the 2010 elections. Christians and Muslims were in all campaign teams.

C. PEACE-MINDED ACTORS

These incidents did not trigger widespread violence because of conflict fatigue in the community and among its leaders. Damanik's attacker was immediately caught by police and prominent Islamic cleric Arenal berated him.¹⁷⁹

While police offered to prosecute the case, the Christian elder declined to press charges and forgave his assailant.¹⁸⁰ Candidates also repeatedly reminded supporters, including those who organised protests, that they should not physically attack anyone or damage property. A demonstration leader said he would be the first to punish participants who started to throw things.¹⁸¹ Sowolino explained:

People in Poso are traumatised by violence and that's why they do not want to fight anymore. Public awareness is the key to peace. We know in a conflict the winner will become ash and the loser will become dust. No one will gain. The conflict was a disaster for Poso, just like a tsunami for Aceh. Does anyone want a disaster, a tsunami to hit again?¹⁸²

Actors also understood they had to work together and coordinate their efforts. Meetings between the election commission, the oversight committee, the local government, police, military and religious leaders were frequent and quickly held each time a wild rumour emerged.¹⁸³ Election commissioners and Panwaslu in Poso were respected and obeyed.¹⁸⁴ When the rumour about marked ballots surfaced days before the vote, there were calls to open the boxes to check the ballots. KPUD members argued that this would only give irresponsible people access to the ballots.¹⁸⁵ On voting day, the rumour was proven false.¹⁸⁶

Security forces were very visible. Poso had a contingent of more than 1,600 regular policemen, including 230 paramilitary Brimob troops, and 160 soldiers, almost all of whom were assigned to secure the 2010 elections. At least one policeman guarded each of the district's 460 poll stations. Police received Rp.1.2 billion (\$100,000) for poll security and the KPUD spent Rp.300 million (\$33,000) in less than a month on ballot protection. As commissioners had been targets of attacks, police assigned hundreds of

¹⁷⁴ Muslims live in Poso's urban and coastal areas while Christians live in rural hamlets that line the hills leading to the missionary enclave of Tentena, 60km south of the seaside downtown.

¹⁷⁵ All four pairs had a Christian on top of the ticket with a Muslim running mate to win votes from the rural regions which are predominantly Christian. Voter turnout across Indonesia is higher in villages than in urban areas.

¹⁷⁶ The programs includes building a mall, resort-like housing, indoor stadiums, concert halls and a suspension bridge in an area where more than 300 charred houses are still left untouched. Hendrik Gary Lyanto, Rencana Pembangunan Poso Kedepan, Campaign Material, May 2010.

¹⁷⁷ Crisis Group interview, Amiruddin Roemtaat, Poso police chief, Poso, 21 September 2010.

¹⁷⁸ Crisis Group interview, Iskandar Lamuka, head of the Poso election commission, Poso, 21 September 2010.

¹⁷⁹ "Sidang DPRD Ricuh, Pendeta Damanik Diduga Dipukul Pendukungnya Piet", MediaPoso.com, 7 April 2010.

¹⁸⁰ "Hearing Dekab Ricuh", *Mercusuar*, 7 April 2010.

¹⁸¹ Crisis Group interview, anti-incumbent protesters, Poso, 22 September 2010.

¹⁸² Crisis Group interview, Frans Sowolino, Tentena, 22 September 2010.

¹⁸³ "Jelang Voting Day di Poso Panas", *Radar Sulteng*, 2 June 2010. The meetings occurred at the military base, the police station and government offices. Sometimes, all of the candidates also attended.

¹⁸⁴ Crisis Group interview, Sapruni, head of Poso's Panwaslu, Poso, 22 September 2010.

¹⁸⁵ Crisis Group interview, Iskandar Lamuka, head of KPUD Poso, Poso, 22 September 2010. Also see "Dituding Surat Suara Sudah Dicoblos", *Mercusuar*, 2 June 2010.

¹⁸⁶ No polling station reported they had ballots marked for the incumbent when boxes were unlocked. The stations discovered little dots and holes on a small number of ballots but they were seen as a result of poor quality in printing. The defective ballots were unused. "Pilkada Poso Berlangsung Lancar Aman", MediaPoso.com, 2 June 2010.

officers to guard their office. Nobody without clear purpose could come within a block of the election commission's office. The military also pitched in, including for the protest at the election commissioner's house, which was dispersed once soldiers arrived.

In addition, the KPUD found creative ways to encourage voters to maintain peace during the polls, such as holding Muslim prayers and church activities or working with religious groups on joint election publications. Chief commissioner Iskandar Lamuka's background in conflict resolution and activism helped. On 4 June, Iskandar and the police chief placated protesters who suspected the incumbent of vote fraud by climbing on the top of a car and talking straight to the angry crowd. They were flanked by police who were ready to pounce if the protesters attempted to harm them, but instead of another confrontation, the demonstration leaders appreciated the audacious move.¹⁸⁷ On 9 June, armed policemen guarded an anti-Piet protest to avoid a clash with the *bupati*'s supporters, who were set for a confrontation.¹⁸⁸

The greatest scare came a few days before the 30 August ceremony inaugurating Piet Inkiriwang's second term. Text messages swept Poso saying there would be chaos during an anti-incumbent protest. Some messages also said Christians would attack Muslims in the city.¹⁸⁹ Adnan Arsal went to largely Christian Tentena to speak with the church and discovered both sides had received similar provocations. The inauguration proceeded under tight police protection. A councillor explained:

Don't try to sell out Poso because we are tired of being sold out. Poso is like Jennifer Lopez. We are no longer sexy. When we wanted to hold an election, people all over the country thought we would sizzle again. The fact is nothing happened. There were tensions but they were like the blowing wind.¹⁹⁰

Poso's successful, peaceful elections do not mean that from now on, the district will be violence-free. Groups opposed to Piet are growing as many are disappointed with his disproportionate emphasis on security at the expense of economic development. Accusations of him mishandling post-conflict aid also continue.¹⁹¹

VI. CONCLUSION: THE WAY FORWARD

Candidates linked to the violence in Indonesia's 2010 local elections all accused elites of using intimidation, bribery and vote-rigging to stay in power. Indonesia, like many developing countries, is not free of such underhand tactics. Without strong supervision and accountability for violating the rules, incumbents will be tempted to do whatever it takes to win. Frustrated challengers along with their supporters are quick to point to electoral fraud and in the absence of transparent processes, credible explanations or accessible legal remedies, they may be tempted to resort to violence as the way to change the outcome. While improving democracy is a work in progress, Indonesia can at least minimise, if not prevent, future violence by focusing on coordination and communication, the simplification of election rules, and increased vigilance, particularly by electoral and security institutions.

The Poso case showed how peaceful elections in tense circumstances can result from good coordination. These polls are complex political events beyond being handled by one body like the KPUD. In Toraja, local governments hamstrung organisers and police by cutting the budget and delaying disbursements. Whereas Tolitoli illustrated that without attention to detail from the distant national election commission, authorities in the capital could exacerbate problems on the ground. Mojokerto was a textbook study of what happens when there is bad coordination that results in information failing to reach the police. District by district, those responsible for local elections, governance and security should try to manage threats of violence together and at the earliest possible stage. Open communication amongst these actors and the public is the most effective way to counter the kind of common misinformation and deliberate lies that breed tension and heighten suspicion.

Prevention of violence can start with the elimination of rules that invite controversy. There are too many vague and formalistic articles in Indonesia's electoral laws that encourage disputes rather than resolve them. These limitations often do not serve democracy and can be used by incumbents to undercut their challengers. In the long term, it would be better if the law was changed to remove all education requirements, leaving voters to decide whether a candidate is qualified or not. To avoid unnecessary disputes in the near future, KPUDs should immediately revise their guidelines and cease asking candidates to show elementary school certificates and only ask for the high school diploma mandated by the law. Health requirements are rarely used around the world and it would be best if this was a personal issue and not a pre-requisite for political office. As many Indonesians still consider this a vital aspect of selecting a leader, there should be at least a clear list of disqualifying diseases known to all nominees, better

¹⁸⁷ Crisis Group interviews, anti-incumbent protesters, Poso, 23 September 2010.

¹⁸⁸ "Demo Pemilukada Poso Nyaris Bentrok", *Radar Sulteng*, 10 June 2010.

¹⁸⁹ Crisis Group interviews, Poso residents, September 2010.

¹⁹⁰ Crisis Group interview, Sonny Kapito, deputy head of the Poso council, Poso, 22 September 2010.

¹⁹¹ "Sidang Korupsi Dana Kemanusiaan Poso", *MediaPoso.com*, 10 November 2010.

guidance to doctors for these examinations, and a more nuanced way of releasing findings.

The national election commission should be a place where local organisers can get authoritative direction on rules. Those staffing these bodies should be capable of delivering carefully considered rulings and decrees and provided with more resources to deliver timely decisions. While there have been calls to establish election courts to preside over disputes, such tribunals only work when they are respected. In Indonesia, only the Jakarta-based Constitutional Court is regarded as relatively free from bribery. These election courts, if based at the provincial level, could even become new targets for violence and corruption, due to their proximity to disputed constituencies and the power bases of candidates. Before creating new institutions, existing ones should be improved and the rules simplified. Cheaper and more flexible administrative solutions using election supervision bodies should be explored as ways to better resolve disputes rather than rely on courts that can only intervene after an election has been run. One way might be to empower KPU and Bawaslu with the proper tools to investigate irregularities and hand out initial adjudications.

KPUDs, Panwaslu and police need to draw on local knowledge and work together to identify sources of tension and potential conflict. In the three violent cases, problems arose from camps who were self-proclaimed agents of change. In future rounds, there may be other issues such as corruption scandals that raise local ire. In these examples, their great expectations as well as growing frustrations were in plain sight. Combining common knowledge with criminal intelligence on the dynamics of each race is the key to ensuring that authorities are prepared. Campaigns should receive clear instructions on dispute procedures and other legal means to challenge any part of the process. Attacks on election authorities or polling stations should never be tolerated. An election operation should not be regarded as over until a winner is inaugurated.

Most local elections in Indonesia in 2010 passed without violence and even for those that did not flare up, there are positive lessons to be learnt for forthcoming contests. The incidents examined above could have all been prevented with better organisation. None of the problems stemmed from proven electoral fraud or deep-rooted inter-group hostility. They were all short-term power struggles between individuals campaigning in the name of change or ethnic grievance. Places that successfully dealt with situations like Poso offer solutions to the rest of the country. Whether Indonesian democracy is working for its citizens or not is matter for ongoing debate. The lesson from the 2010 local election cycle is that modest efforts by national, provincial and district officials can minimise violence, if not avoid it altogether.

Jakarta/Brussels, 8 December 2010

APPENDIX A

MAP OF INDONESIA



APPENDIX B

VIOLENT INCIDENTS RELATED TO THE 2010 LOCAL ELECTIONS¹⁹²

1. April 2010, Sumbawa Barat district, Nusa Tenggara Barat

On 10 April, supporters of incumbent *bupati* Zulkifli Muhadi and challenger Andi Azisi threw rocks at each other after the latter's group tried to block a rival convoy. On 12 April, Andi's supporters protested the validity of the incumbent's school diploma. On 24 April, they fought with the incumbent's backers who planned to distribute goods to voters before the 26 April vote. On 28 April, hundreds clashed with police during a protest demanding the KPUD stop the tabulation process after there were unofficial reports the incumbent had won. They again urged police to launch a probe into the validity of Zulkifli's diploma. When they stormed the election commission's office, police hit them with sticks and fired warning shots and tear gas.

2. 12 May, Flores, Timur district, Nusa Tenggara Timur

Thousands of residents blocked the roads leading to the district capital of Larantuka so that national and provincial election commissioners could not enter. The commissioners wanted to publicise a 15 April decision that overturned the district election commission's disqualification of incumbent *bupati* Simon Hayon. The protesters demanded the election proceed without Simon and called the Jakarta ruling an intervention into local politics. On 14 May, Simon's supporters urged the local election commission to follow the KPU ruling and police found them in possession of Molotov cocktails. In July, KPU fired four out of five of the Flores Timur election commissioners who refused to abide by its orders. On 1 November, a new commission was formed with a mandate to hold elections in 2011.

3. 12 May, Konawe Selatan, South-east Sulawesi

Hundreds of protesters vandalised the election commission office during the recap period after preliminary reports projected a landslide victory for the incumbent, Imran, in the 8 May vote. They accused him of using his power and money to influence voters and in June filed a complaint with the Constitutional Court. A re-vote was ordered and Imran was not disqualified. He won an even bigger share in the 11 July repeat election, triggering more protests on 19 July that ended with scuffles between supporters.

4. 15 May, Sibolga city, North Sumatra

Four sub-district offices used for storing ballots were burnt two days after the 13 May mayoral elections that pitted deputy mayor Afifi Lubis against former national legislator Syarfi Hutauruk, who had the term-limited mayor's son-in-law as a running mate. Afifi supporters accused the incumbent of using his position to block his own deputy but protests only became audible after quick count reports projected victory for Syarfi.

5. 21 May, Mojokerto district, East Java – See Section II in this report.

6. 21 May, Bengkayang district, West Kalimantan

Protesters vandalised the election commission and Panwaslu offices after preliminary reports projected victory for the deputy *bupati* Suryadman Gidot, who has been publicly accused of corruption, in the 19 May vote. On 18 May, a Suryadman supporter was caught distributing cash to voters.

7. 21 May, Ketapang district, West Kalimantan

A car belonging to the election commission was burned after preliminary reports projected Yasir Ansyari, the son of the term-limited *bupati*, failed to reach the 30 per cent threshold to avoid a run-off, even though he led the slate of candidates. In the run-off, he lost to Henrikus, the runner-up from the first round.

¹⁹²The sources of these violent incidents are media reports and a list of events related to the 2010 local elections from the national Election Oversight Body (Bawaslu). As of 25 November 2010, 215 out of 244 scheduled elections had reached a result.

8. 24 May, Humbang Hasundutan district, North Sumatra

Police fired tear gas and warning shots into the air after protesters showered them with rocks. They were demanding the halt of an event that kicked off the campaign season. The protesters supported a challenger who has been disqualified after confusion over endorsement. A single party had backed both the challenger and the incumbent. The KPUD accepted the endorsement for the incumbent and decided the former lacked the necessary nominations.

9. 1 June, Tolitoli district, Central Sulawesi – See Section IV.

10. 9 June, Manggarai Barat district, Nusa Tenggara Timur

Police fired rubber bullets at protesters who demanded the tabulation process at the KPUD be stopped following a counting dispute in the Sano Nggoang sub-district. At that time, preliminary reports had projected deputy *bupati* Agustinus Dula as the winner in the 3 June vote.

11. 10 June, Samosir district, North Sumatra

Hundreds supporting a challenger blockaded 150 university students in three buses overnight as they tried to leave the district after voting on 9 June. The protesters accused the incumbent *bupati* Mangindar Simbolon of paying outsiders to vote although the students were legally Samosir residents who studied in North Sumatra capital of Medan. The students admitted that the incumbent paid for their travel home.

12. 11 June, Kepulauan Anambas, Riau Islands

Anti-incumbent protesters hurled rocks at a building where election commissioners were tabulating the 26 May vote. They knocked down the gate to force their way into the meeting room. The count had been slow because all the ballots from the new district, which consists of a number of remote islets with poor infrastructure, had to be transported to the KPUD. News that *bupati* Tengku Mukhtaruddin had won another term was already circulating in the main town hours after the vote due to quick counts. Since 27 May, protesters had accused the incumbent of electoral fraud, demanded a cancellation of the election. Their rallies grew as the slow count increased suspicion.

13. 23 June, Tana Toraja district, South Sulawesi – See Section III.

14. 24 June, Maros district, South Sulawesi

Protestors vandalised the Panwaslu building and a sub-district office after the quick count projected an unexpected victory for Hatta Rahman, a local councillor.

15. 25 June and August-September, Gowa district, South Sulawesi

Supporters of challenger Andi Maddussila protested the projected victory of incumbent *bupati* Ichsan Limpo two days after voting. They accused him of faking his school diploma and held up a supporter of the *bupati*, triggering the rival camp to retaliate. The two sides started throwing rocks before police broke up the fight. Other sporadic violence included unidentified attackers setting ablaze buses, buildings and the office of the Golkar party; and brawls between opposing groups after the incumbent was inaugurated on 14 August 2010 that lasted until the end of September. The Limpo family is prominent in South Sulawesi politics. Ichsan's elder brother Syahrul Limpo is governor while other siblings are councillors. All of them come from the Golkar party.

16. 25 June, Soppeng district, South Sulawesi

Protesters torched two sub-district offices and the building that housed the election commission after quick counts projected victory for incumbent *bupati* Andi Soetomo. The incidents pushed back the vote count for a few days. His closest rival, Andi Kaswadi Razak, who is also the head of the local council, complicated the KPUD's administrative work, delaying the inauguration of the *bupati* until 16 October.

17. 20 July, Seram Bagian Timur district, Maluku

Supporters of *bupati* Abdullah Vanath and his rival Mukti Keliobas, who is also the head of the district's council, fought on the streets after the incumbent won a majority in the 7 July vote. The KPUD had refused the challenger's request for a manual recount in the remote island of Gorom, where organisers were accused of vote-rigging, but he went to the provincial election commission, which told the KPUD to follow the demand. When district commissioners ig-

nored the recommendation, Mukti's supporters attacked the rival camp and burned government buildings. In August, the Constitutional Court dismissed the recount demand and reaffirmed Vanath's victory.

18. 23-24 September, Kotawaringin Barat district, Central Kalimantan

A Constitutional Court ruling to annul challenger Sugianto Sabran's victory in the 5 June poll due to massive vote buying enraged his supporters. The court also decided the winner should be incumbent Ujang Iskandar, prompting accusations of a Jakarta-based conspiracy against the pro-change movement. The KPUD refused to exercise the court's 7 July order amid heightened tension, prompting KPU to issue a warning to the local election commissioners on 22 September. The second Jakarta-made decision reinforced perceptions of the capital intervening into local affairs and triggered the torching of state property, including a monument in the district's downtown. Local institutions refused to implement the ruling as they are afraid of being the target of repercussions and a caretaker is currently governing without budgetary powers. They called on the Ministry of Home Affairs to enforce the decision but the minister is reluctant to act. This is the only case in which a Constitutional Court decision prompted violence.

19. 24 October. Bima district, Nusa Tenggara Barat

A bomb exploded in the election commission office in the middle of the night, hours after police pushed back demonstrators who had been sporadically protesting *bupati* Ferry Zulkarnain's re-election. One of the *bupati*'s campaigners received a district court sentence for vote buying five days before his 9 August inauguration. The court ruled Ferry was not liable.

20. 1 November, Karo district, North Sumatra

Hundreds of people burned tires on the road and threw rocks at a hotel where local election commissioners were tabulating results from the 27 October local polls. Protesters demanded a rerun, accusing the two top vote-getters of buying votes. Police fired tear gas and used sticks to disperse the crowd. On 6 November, a government office was burned down in the middle of the night. The dispute has gone to the Constitutional Court and a scheduled run-off has been put on hold.

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in fourteen additional locations (Baku, Bangkok, Beirut, Bujumbura, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria, Sarajevo and Seoul). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh,

Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Russia (North Caucasus), Serbia and Turkey; in the Middle East and North Africa, Algeria, Egypt, Gulf States, Iran, Iraq, Israel-Palestine, Lebanon, Morocco, Saudi Arabia, Syria and Yemen; and in Latin America and the Caribbean, Bolivia, Colombia, Ecuador, Guatemala, Haiti and Venezuela.

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December 2010

APPENDIX D

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