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Indonesia: Amicus Brief on Independence of Information Commission

The Centre for Law and Democracy has filed an *amicus curiae* (friend of the court) brief in a constitutional appeal in Indonesia lodged by the Central Information Commission asserting that there are problems in its founding legislation in terms of the protection of its independence. While the members of the Commission have historically been independent of the public authorities they oversee, the Secretariat of the Commission is “operated by the government”, to use the very words of the legislation, Law No. 14 of 2008 on Public Information Disclosure.

“The Central Information Commission in Indonesia has done a great job in terms of promoting the right to information,” said CLD Executive Director Toby Mendel. *“But its ability to operate truly independently is hampered by the fact that its Secretariat ultimately has loyalties to government.”*

The Indonesian Central Information Commission filed a case before the Constitutional Court challenging Articles 29(2)-(5) of the Law on Public Information Disclosure last year. In addition to the statement quoted above, these provisions give the responsible Minister the power to appoint the person who oversees the Commission Secretariat. The Constitutional Court held a hearing on the matter on 13 January 2015.

The *amicus curiae* brief describes international standards relating to the independence of information oversight bodies and argues that these go beyond simply ensuring that the members of the governing board are independent and extends to the administrative structures of the body. To support this, the brief outlines the law and practice in this area in a number of countries, namely Canada, Mexico, Serbia and Sierra Leone.

The *amicus curiae* brief is available at: <http://www.law-democracy.org/live/indonesia-amicus-brief-on-independence-of-information-commission/>.

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