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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the International NGO Forum on Indonesian Development (INFID), a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Situation on freedom of religion and belief in Indonesia 2011**

In 2011 there was increasing concern regarding the situation of freedom of religion and belief in Indonesia. There were numerous escalating violations and acts of violence compared to 2010. Those violations were committed by the local governments by means of issuing a range of regulations that prohibited religious activities, as well as many intimidation actions committed by the National Army, the Police, and the Municipal Police Unit, along with radical groups.

The Wahid Institute¹ recorded that throughout 2011 there has been an increase of 18% regarding cases of violations of freedom of religion and belief that occurred in many areas in Indonesia. In 2010 there had been 64 cases and then in 2011 the number increased up to 92 cases. The highest form of violations of freedom of religion and belief was the prohibition or restriction of religious activities or worshipping activities of particular communities, which amounted to 49 cases or 48%, and acts of intimidation and violent threats by state apparatuses amounted to 20 cases or 20%. There were 11 cases (11%) of violence by omissions, 9 cases (9%) of violence and coercion of belief, 9 cases (9%) of the sealing and prohibition of worship houses and 4 cases (4%) of criminalization or victimization of belief.

The increasing cases of restriction or prohibition of religious activities was committed by numerous Regional Heads by issuing Decrees that banned Jamaat Ahmadiyya's activities. These prohibitions of religious activities were increasingly happening since the attack and murder of three members of the Jamaat Ahmadiyya in Cikeusik, Banten, (February 2011). From the time of the incident, many Local Governments issued regulations that forbid Jamaat Ahmadiyya's religious activities, such as: (a) the Regulation of West Java Governor Number 12 of 2011 on the Prohibition of Ahmadiyya Congregation's Activities; (b) the Decree of the East Java Governor number 188/94/KPTS/013/2011 consisting of the prohibition of activities of Ahmadiyya Indonesia in East Java. (c) the Governor of Banten also released Governor Regulation Number 5 of 2011 on the prohibition of activities of Jamaat Ahmadiyya's members. (d) the Decree of the Samarinda Mayor (East Kalimantan) number 200/160/BKPPM.I/II/2011 subjecting The Instruction of Terminating and Closing the Activities of JAI in Samarinda. (e) the Decree of the Regent of Kampar (Riau) Number 450/PUM/2011/68 (f) the Decree of the Mayor of Pekanbaru (Riau) number 450/BKBPPM/749.

Ironically, the Central Government, which is in possession of authority regarding religious affairs, did not execute any definite action to annul those regulations. In practice, the regional regulations indeed triggered the occurrence of violent acts and other acts of intolerance.²

The Wahid Institute recorded that acts of intimidation and threats of violence against particular religious groups were also largely committed by government officials or

** The Indonesia Human Rights Working Group (HRWG), the WAHID Institute, the Indonesia Legal Resource Centre (ILRC), NGOs without consultative status, also share the views expressed in this statement.

¹ Annual Report of The WAHID Institute 2011 "The Red Light of Freedom of Religion" page 44. http://www.wahidinstitute.org/files/_docs/2012/01/17/LAPORAN%20KEBEBASAN%20BERAGAMA%20DAN%20TOLERANSI%20TWI%202011.pdf

² As an example, a group of people dismantled tombs of Jamaat Ahmadiyya in Bandung after the Governor of West Java had issued a regional regulation on 3 March 2011 <http://regional.kompas.com/read/2011/03/04/1508505/Makam.Jamaah.Ahmadiyah.Dibongkar.Orang>

institutions. In the case of the GKI (*Gereja Kristen Indonesia* – Indonesian Christian Church) Sleman, Central Java, in February 2011 DPRD (Regional House of Representatives) of Sleman also ‘pressed’ Reverend Nico from the GKI Sleman to sign the letter of termination of the GKI Sleman’s activity. Regarding another case, in March 2011, the Regional Military Command (Kodam) Siliwangi West Java conducted the Operation ‘Sajadah’ at the 56 Military District Command (Koramil). The National Army’s troops of 56 Koramil traced the villages situated within the area of 56 Koramil in West Java and intimidated the Jamaat to abandon Ahmadiyya and forced them to commit a pledge of repentance.³

In addition, The Wahid Institute also recorded state institutions that have committed the most violations of freedom of religion and belief, such as Police apparatuses, which amounted to 32 violations (26%), Regents, Mayors or Official individuals inside the regency/city government environments, which amounted to 28 violations (23%), soldiers committed 16 violations (13%), Municipality Police Units (10 times), Provincial Governments (8 violations), Office of Ministry of Religion or Religious Affairs Office (8 violations).⁴ The highest number of intolerance perpetrators were community organizations such as the Front of Islamic Defender (FPI) who committed 38 violations (18%), followed by organized mass groups that committed 33 violations (15%), Governments of Regency/City, which amounted to 22 violations (10%), un-identified mobs committed 19 violations (9%), the Indonesian Ulema Council (MUI) committed 17 violations (8%), the Police committed 16 violations (8%), and 14 violations (7%) were committed by individuals.⁵

From the abovementioned data, it is obvious that the perpetrators of violation against freedom of religion and belief most often were Police apparatuses, which amounted to 32 violations (26%). The acts of violation by the police were frequently happening in many regions and involved apparatuses on the scene, whether individually or together with other Government elements.

On the other side, the conduct of Police apparatuses tended to omit the occurrence of various violent acts that were imposed against minority groups. Such violent acts were the arson of houses and schools of the Jamaat of the Shia Community in Sampang Madura, East Java that happened on the 29th of December 2011.⁶ At the incident of the Jamaat Shia’s house burning, there were only two Police officers at the scene, while as a matter of fact a day prior to the incident (28th December 2011) the Chief of the Sub-Precinct Police of Omben, Police Commissioner Adjutant Aris, had called some Jamaat Shia people and told them that an attack was about to happen against the Shia community. These kind of omission practices also happened in the case of the attack against the Jamaat Ahmadiyya in Cikeusik, Banten that resulted in the death of three members of the Jamaat Ahmadiyya, and practices of omission or worship prohibition against the congregation of the Indonesian Christian Church (GKI) Yasmin, Bogor.

³ Annual Report of The WAHID Institute 2011, Ibid, page 45

⁴ Ibid, page 45-46

⁵ Ibid, page 49

⁶ On December 29th, 2011, the house of the Leader of All-Indonesian Assembly of Ahlul Bayt Associations (IJABI) - Shiites, Tajul Muluk (Male, 45) and two properties of other Shia followers, as well as a worship house were burned down by a group of mass amounted to approximately 500 men who claimed themselves as ahl as-sunnah wa al-Jamaah (Sunni). The incident happened in Nangkrenang village, Karang Gayam, Omben Sampang, Madura, Province of East Java. The burning attack was the second time occurring. Previously, on December 20th, 2011, there had been an act of arson on the house of one of Shiites that also occurred in Blu’uran village, Karang Penang, Sampang, Madura.

Case of the Indonesian Christian Church (GKI) Yasmin, Bogor, West Java

Until now, the prohibition of the construction of the church and the banning of worship against the Indonesian Christian Church (GKI) congregation of Taman Yasmin Bogor still continues from 2006 onwards. Still, the Supreme Court of Indonesia has annulled the Decree of Bogor Mayor, and the Ombudsman Commission has also released a recommendation concerning the annulment of the Bogor Mayor's Decree and requested the Minister of Home Affairs to execute monitoring on the implementation of the recommendation. However, up to the present the Mayor of Bogor, Diani Budiarto, does not obey and implement the Supreme Court's Decree and the recommendation from the Ombudsman Commission. Instead, the Government of Bogor City continues to spread hatred and slander to innumerable parties saying that the construction of the church had wrongfully acquired permission.

Ironically, the National Government did not do anything against the legal insubordination committed by the Mayor of Bogor and the Minister of Home Affairs, Gamawan Fauzi, planned to relocate the congregation of the GKI Yasmin to another site.⁷ The relocation plan clearly violates the highest legal judgement from the Supreme Court, and furthermore stresses the occurrence of acts of intolerance and violation against freedom of religion and belief in Indonesia.

Recommendations

Derived from the abovementioned issues we would like to request the UN Human Rights Council and the international community to consider the following issues:

- Urging the Government of Indonesia to carry out effective legal processes against cases of violence on the basis of religion and belief;
- Urging the Government of Indonesia to execute the judgement of the Supreme Court and recommendations from the Ombudsman Commission relating to the ruling on the GKI Yasmin;
- Urging the Government of Indonesia to annul the laws and regulations that contradict Human Rights principles, such as Law No.1/PNPS/1965.
- Calling for the international community to monitor the situation of freedom of religion and belief in Indonesia.

⁷ The relocation plan was addressed by the Minister of Home Affairs, Gamawan Fauzi, in a joint meeting with House of Representatives on 8 February 2012.
<http://megapolitan.kompas.com/read/2012/02/08/21135916/GKI.Yasmin.Tak.Akan.Terima.Relokasi>