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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.

[18 February 2013]

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

The situation of religious freedom in Indonesia: The violence continues*

We, INFID, express our concern over violations against the freedom of religion and belief which persist in Indonesia. In fact, cases of violation against freedom of religion or belief keep on increasing every year. The report of Wahid Institute says, in 2012, there were as much as 274 cases of violations in Indonesia.¹ Most offences that committed by non-State actors were in so far as 197 actions; while the State actors committed in 166 incidents, escalating by 78 percent in compare to the previous year that amounted to 93 cases.

The Police are one of State actors who repeatedly violating these rights, for instance by omitting the intolerant parties that commit violence against minorities who practicing their religion, as happened to the congregation of HKBP Philadelphia in Bekasi Regency during their weekly worship. Oddly enough, the police asked the congregation of HKBP Philadelphia Church to be evacuated under the pretext of avoiding greater conflict. Intimidation and violence continue to occur every week hitherto.²

Likewise, the restriction in the establishment of church as well as the prohibition against worship of Indonesia Christian Church (GKI) of Taman Yasmin in Bogor City continues to take place. Both Local and Central Government failed executed the Supreme Court's verdicts and the Indonesia Ombudsman Commission's recommendations; hence the congregation still carries out service surreptitiously from house to house and conducts worship in front of the State Palace.

Other religious minority groups such as Shiite and Ahmadiyya Jamaa continue to endure various acts of violence and discrimination. On August 26, 2012, Shiite residents in the hamlet of Nangkrenang, Karanggayam village, Omben district, Sampang Regency, were attacked by intolerant group. Hamamah (50 years old), one of the Shiite followers, was killed during this attack. In some areas, the Ahmadiyya follower was forced to discontinue their religious activities. June 2012, Ahmadiyya congregation in area of Kendal, Central Java, was forced to sign statement not to perform any Ahmadiyya's activity. Kuningan Government, West Java delayed the e-IDCard of Ahmadiyya follower of Manis Lor on the grounds of waiting for Central Government's decision of this matter. In October 2012, An-Nassir Mosque belonging to Ahmadiyya Congregation in Bandung was marred by mass of FPI during the feast of the Eid al-Adha, August 2012. The Court sentenced Asep Abdurrahman, one of perpetrators destroying the Mosque, only for 3.5 months.

Corresponding with State's human rights violations, non-State human rights violator were also increasing. The Islamic Defenders Front (FPI) was recorded as perpetrator of most offences. Throughout the year, organization leader Rizieq Shihab was committing 52 acts that violate the religious freedom, community groups (51 actions), individuals (25 actions), MUI (24 actions), religious figures (12 actions), and a number of other groups.³

* HRWG (Indonesia's human Rights Working Group) and the Wahid Institute, NGOs without consultative status, also share the views expressed in this statement.

¹ The Wahid Institute, "2012 Executive Summary of End Year Report on Freedom of Religion and Intolerance".

² For example the incident occurred on April 15, 2012. The masses, which did not approve the establishment of the HKBP Philadelphia Church, rampaged and tried to intimidate the congregation. Reverend Palti Panjaitan looked for Police escorts. The Police, however, said that the protection was not possible because the situation has heated up.

³ Last year, the Wahid Institute report stated that the MUI was on the 7th position. This year it's "up graded" to 4th position. Forms of intolerance acts most frequently committed by MUI are religious

The current religious related regulation

At the national level, one of regulations that become threat to religious freedom is Act No. 1 PNPS of 1965 about Blasphemy Law (Defamation of Religion). The Constitutional Court verdicts on 2009 declared that the existence of ambiguous definition of the defamation of religion in this law has severe impact to the violations of religious freedom in its implementation. Therefore, the Constitutional Court recommended the House of Representatives and the Government to revise the legislation.

Meanwhile, a number of laws and draft bills that seem to potentially discriminatory are the Act on Hajj, Law on Alms (Zakat), Draftbill on Guarantees of Halal Products (JPH) and Religious Harmony (KUB). Those legislations are contrary to the principle of statutory conception, since they only bind particular group.

As for regulations under the law that ought to be criticized, inter alia, Joint Decree of Minister of Religious Affairs and Minister of Home Affairs No. 9 of 2006 and No. 8 of 2006 concerning the Implementation of Guidelines for Regional Head or Deputy in their Duties to Maintenance Religious Harmony, Empowerment of Religious Harmony Forum, and the Establishment of Places of Worship. This regulation apparently became source of conflicts and violations of the establishment of worship houses of worship.⁴ As for the case of Ahmadis, the source of conflict is the Joint Ministerial Decree of 2008 concerning the Ahmadiyya.⁵

The most prominent case was the sealing of 16 Churches in Aceh Singkil and one worship site of PAMBI followers (traditional beliefs) by Local Law Enforcement Team of Singkil Regency Government, in the beginning of May 2012. Those houses of worship were considered as breaching the rules and specificity context of Aceh.

At the local level, appeared a number of regulations that could potentially violate the guarantee of freedom of religion, such as the Decree of Blitar Mayor (East Java) No. 8 of 2012 which obliged every Muslim students in the city of Blitar must be able to read the Quran. The policy has impacted on six Catholic schools in Blitar city, which forced them to provide non-Catholic religious lessons. The six private schools are Catholic High School Diponegoro, Catholic Vocational School, Santa Maria Kindergarten, Santa Maria Catholic Elementary School, Yos Sudarso Catholic Elementary and Junior High School. As well as the Regulation of East Java Governor: No. 55 of 2012 on Supervision of Religious Activities and Monitoring of Deviant Religious Sects in East Java which was signed in July 2012.

fatwa that accusing heresy against other groups where the MUI also requires the Government to outlaw those groups; for example, in the case of Sampang Shiite.

⁴ Here, some significant issues to be observed, among others, are related to special requirements to establish houses of worship such as inscribed in articles 14 paragraph 2 that requires 90 signatures of worship house users and supports from 60 local residents, which should be authorized by head of sub-district or village. Another issue is on the subject of local authorities' obligation to facilitate the proper location for worship house construction, when the 90 users' signature requirement is fulfilled, but the requirement of 60 local residents' autograph is not completed.

⁵ The Decree became the first legal grip for the flaring up of prohibition against Ahmadiyya's activities, especially after the Cikeusik tragedy. The existence of the Coordinating Board for Monitoring Mystical Beliefs in Society (Bakor Pakem) also calls for awareness. The Agency is authorized to decide whether a particular group is astray or not. Its existence explicitly presents in the Act on Public Prosecution No. 16 of 2004. See the Joint Decree of Minister of Religious Affairs, the Attorney General, and Minister of Home Affairs of the Republic of Indonesia No. 3 of 2008 number: KEP-033/A/JA/6/2008 number: 199 of 2008 to Warn and Order the followers, members, and/or leading members of the Indonesian Ahmadiyya Jama'at (JAI) and the General Public.

We urge further UN Human Rights Council to consider the following measures:

1. We urge the Indonesian Government and legislators immediately revoke Act No. 1 of 1965 PNPS concerning Blasphemy Law (Defamation of Religion) and to start the drafting process on the law to protect freedom of religion and beliefs.
2. To conduct harmonization throughout the legislations relating to freedom of religion or belief in accordance with international of human rights.
3. The Government of Indonesia should commit well-planned measures in strengthening the comprehension on the implementation of right to freedom of religion in Governmental sectors such as the members and Unit of Municipality Police and Ministry of Home Affairs, as well as rights education in formal and informal schools.
4. The Government of Indonesia should take special procedures to provide effective compensation and remedy for victims of religious rights violations from Ahmadiyya and Shiite followers.
5. The Government should ensure law enforcements, a fair and open process in prosecuting perpetrators of freedom of religious violation.
6. Urging Indonesia's Government to implement the recommendations of the Council's Universal Periodic Review, especially regarding freedom of religion seriously and consistently.
