



HUMAN  
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WATCH

## IN RELIGION'S NAME

Abuses against Religious Minorities in Indonesia



# **In Religion's Name**

**Abuses against Religious Minorities in Indonesia**

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## Glossary

<b>Ahmadiyah</b>	An Islamic religious revivalist movement, founded in Qadian, Punjab, originating with the teachings of Mirza Ghulam Ahmad (1835–1908). In Arabic, Ahmadiyah means “followers of Ahmad” and adherents are sometimes called “Ahmadis.” It began its presence in the Indonesian Sumatra Island in 1925. It was legally registered in Jakarta in 1953.
<b>Baha’i</b>	The Baha’i religion was established by Bahauallah (1817-1892) in Baghdad in 1863. President Sukarno banned Baha’ism in 1962. President Abdurrahman Wahid revoked the ban in 2001.
<b>Bakor Pakem</b>	Coordinating Board for Monitoring Mystical Beliefs in Society (Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat) under the Attorney General’s Office with branches in every province and regency under public prosecutors’ offices.
<b>Darul Islam</b>	Armed movement established in Garut, West Java, in 1949 to set up an Islamic state in Indonesia. In Arabic, <i>Dar al-Islam</i> means house or abode of Islam and is commonly used to refer to an Islamic state. In Indonesian, it is usually spelled “Darul Islam.”
<b>Dewan Dakwah</b>	Indonesian Council of Islamic Propagation (Dewan Dakwah Islamiyah Indonesia, DDII), an Islamist organization dedicated to <i>dakwah</i> (an Arabic-derived term referring to efforts to propagate the Islamic faith) and to face “challenges” posed by other religions including Christianity, Buddhism, Hinduism, and spiritual movements. It was established in 1967 in Jakarta.
<b>FKUB</b>	Religious Harmony Forum (Forum Kerukunan Umat Beragama)
<b>Forkami</b>	Indonesian Muslim Communication Forum (Forum Komunikasi Muslim Indonesia)
<b>FPI</b>	Islamic Defenders Front (Front Pembela Islam)
<b>Garis</b>	Islamic Reform Movement (Gerakan Reformis Islam) based in West Java.

<b>GKI Yasmin</b>	Indonesian Christian Church in the Jasmine Garden housing complex (Gereja Kristen Indonesia Taman Yasmin) in Bogor, a town just south of Jakarta.
<b>Golkar</b>	Golongan Karya (Functional Group), a political party founded in 1964 with the backing of senior army officers. It was the ruling party during President Suharto's 33-year rule (1965-1998).
<b>HKBP</b>	Batak Protestant Christian Church (Huria Kristen Batak Protestan)
<b>KPK</b>	Corruption Eradication Commission (Komisi Pemberantasan Korupsi)
<b>KWI</b>	Bishops' Conference of Indonesia (Konferensi Waligereja Indonesia)
<b>Masyumi</b>	Consultative Council of Indonesian Muslims (Majelis Syuro Muslim in Indonesia), a coalition of Muslim groups set up during the Japanese occupation of Indonesia during World War II. It was banned by Sukarno in August 1960.
<b>MPR</b>	People's Consultative Assembly (Majelis Permusyawaratan Rakyat, MPR)
<b>Muhammadiyah</b>	A Sunni Muslim reformist organization established in 1912 in Yogyakarta, Central Java. One of the largest mass organizations in Indonesia. It has hundreds of hospitals and schools ( <i>pesantren</i> ) throughout Indonesia. In Arabic, <i>Muhammadiyah</i> means "followers of Muhammad."
<b>MUI</b>	Indonesian Ulama Council (Majelis Ulama Indonesia)
<b>Nahdlatul Ulama</b>	A traditionalist Sunni Islam organization, established in 1926 in Jombang, East Java. It claims to have 45-50 million members, making it the largest Muslim social organization in the world. It has hundreds of Islamic boarding schools mostly in Java but also on other islands.
<b><i>Pancasila</i></b>	An Indonesian statement of political principle or philosophy (literally, "five principles"), articulated at independence in 1945, consisting of five "inseparable" principles: belief in the One and Only God (thereby legitimizing several world religions and not just Islam), a just and civilized humanity, the unity of Indonesia, democracy, and social justice. It became the state



	ideology under President Suharto and promotion of alternative ideologies was considered subversion. While now more rarely invoked by officials in such a blatantly ideological fashion, it continues to be a key reference point in discussions of religions and religious pluralism in Indonesia today.
<b>PDIP</b>	Indonesian Democratic Party of Struggle (Partai Demokrasi Indonesia Perjuangan)
<b>PGI</b>	Communion of Churches in Indonesia (Persekutuan Gereja-gereja di Indonesia)
<b>PHDI</b>	Indonesian Hindu Dharma Community (Parisada Hindu Dharma Indonesia)
<b>PK, later PKS</b>	Justice Party (Partai Keadilan), a political party in Indonesia modeled on the Muslim Brotherhood in Egypt. The party name later was changed to Prosperous Justice Party (Partai Keadilan Sejahtera).
<b>PPP</b>	United Development Party (Partai Pembangunan Indonesia)
<b>Sekarmadji Maridjan Kartosoewirjo</b>	Founder of Darul Islam (1905-1962)
<b>Shia Islam</b>	The second largest denomination of Islam. In Arabic, Shia is the short form of the phrase Shī‘atu ‘Alī, meaning “followers of Ali”—a reference to Ali ibn AbiTalib (656–661), the son-in-law of the Prophet Mohammad. Shia members believe that Ali was the most legitimate successor to Mohammad.
<b>Sunni Islam</b>	The largest branch of Islam. In Arabic it is known as <i>Ahl ūs-Sunnah wa āl-Jamā‘ah</i> or “people of the tradition of Mohammad and the consensus of the Ummah.” Sunni members believe that Mohammad’s successors were successively four caliphs: Abu Bakr, Umar al-Khattab, Uthman ibn Affan, and Ali ibn AbiTalib. Most of Indonesian Muslims are Sunni followers.
<b>YAPI</b>	Islamic Pesantren Foundation (Yayasan Pesantren Islam), a Shia school in Bangil, East Java.

## Summary

We get nervous every time we go to the mosque, especially those with children. We're afraid to bring them. We also have Sunday school which now is done [in private homes]. We are very afraid. The women often don't come to pray if we see people in white robes [worn by several militant Islamist groups in West Java].

—Titik Sartika, the head of an Ahmadiyah women's group in Bekasi, West Java, on intimidation that her community faces from Islamist militants, November 2011.

On February 6, 2011, in Cikeusik, a village in western Java, around 1,500 Islamist militants attacked two dozen members of the Ahmadiyah religious community with stones, sticks, and machetes. The mob shouted, "You are infidels! You are heretics!" As captured on video, local police were present at the scene but many left when the crowd began descending on the Ahmadiyah house. By the time the attack was over, three Ahmadiyah men had been bludgeoned to death.

Ahmad Masihuddin, a 25-year-old Ahmadiyah student, recalled, "They held my hands and cut my belt with a machete. They cut my shirt, pants, and undershirt. I was only in my underwear. They took 2.5 million rupiah (US\$270) and my Blackberry [cell phone]. They tried to take off my underwear and cut my penis. I was laying in the fetal position. I tried to protect my face, but my left eye was stabbed. Then I heard them say, 'He is dead, he is dead.'"

While the Cikeusik attack was particularly gruesome, it is part of a growing trend of religious intolerance and violence in Indonesia. Targets have included Ahmadis (the Ahmadiyah), Baha'is, Christians, and Shias, among others. There have also been cases of Christians in Christian-majority areas preventing Sunni Muslim mosques from being built. Affected individuals have ranged from people with permits to build houses of worship to those seeking to have their actual religion listed on their ID cards, to children bullied by teachers and other pupils at school.

In important respects, Indonesia is rightly touted for its religious diversity and tolerance. Since President Suharto was forced to step down in 1998, after more than three decades in power, inaugurating an era of greater freedom in Indonesia, viewpoints long repressed have emerged into the open. A strong thread of religious militancy is among them. As detailed in this report, the government has not responded decisively when that intolerance is expressed through acts of harassment, intimidation, and violence, which often affect freedom of expression and association, creating a climate in which more such attacks can be expected.

According to the Jakarta-based Setara Institute, which monitors religious freedom in Indonesia, there were 216 cases of violent attacks on religious minorities in 2010, 244 cases in 2011, and 264 cases in 2012.<sup>1</sup> The Wahid Institute, another Jakarta-based monitoring group, documented 92 violations of religious freedom and 184 incidents of religious intolerance in 2011, up from 64 violations and 134 incidents of intolerance in 2010.<sup>2</sup>

In researching this report, Human Rights Watch interviewed 16 members of religious minorities who had been physically assaulted by Islamist militants in seven separate incidents—four of them sustaining serious injuries. Twenty-two others had their houses of worship or own houses burned down in six separate incidents. We also summarize here many more incidents reported in the press or documented by other investigators. In addition to intimidation and physical assaults, houses of worship have been closed, construction of new worship facilities halted, and adherents of minority faiths subjected to arbitrary arrest on blasphemy and other charges.

In most cases, the perpetrators of the intimidation and violence have been Sunni militant groups—described throughout this report as Islamist groups—at times acting with the tacit, or occasionally open, support of government officials and police. Groups that have participated in or supported the targeting of minority religions include: the Islamic People’s Forum (Forum Umat Islam, FUI), the Indonesian Muslim Communication Forum (Forum Komunikasi Muslim Indonesia, known as Forkami), the Islamic Defenders Front (Front Pembela Islam, FPI), Hizbut-Tahrir Indonesia, and the Islamic Reformist Movement

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<sup>1</sup> Setara Institute, “Reports on Freedom of Religion and Belief 2007-2009” April 2, 2010, <http://www.setara-institute.org/en/content/report-freedom-religion-and-belief-2007-2009> (accessed January 20, 2012).

<sup>2</sup> Wahid Institute, Power Point presentation during news conference, Wahid Institute Jakarta office, December 29, 2011, attended by Human Rights Watch researcher.

(Gerakan Islam Reformis, Garis). These groups are united by their espousal of an interpretation of Sunni Islam that labels non-Muslims, excluding Christians and Jews, as “infidels,” and labels Muslims who do not adhere to what they define as Sunni orthodoxy as “blasphemers.”

The harassment and violence directed at minority religious groups is facilitated by a legal architecture in Indonesia that purports to maintain “religious harmony,” but in practice undermines religious freedom. Indonesia’s 1945 constitution explicitly guarantees freedom of religion, as does the International Covenant on Civil and Political Rights, to which Indonesia is a party. However, the Indonesian government has long enacted, and in recent years strengthened, legislation and regulations that have subjected minority religions to official discrimination and made them extremely vulnerable to the members of the majority community who take the law into their own hands.

In numerous instances documented in this report, harassment and intimidation of minority communities by militant Islamist groups has been facilitated by the active or passive involvement of Indonesian government officials and security forces. These groups have cooperated with, or applied pressure on, local authorities to prevent the issuance of building permits for religious minorities’ houses of worship, sought the removal of religious minority communities to new locations, or to stop them from worshipping in their area altogether. In some cases, Christian churches that have met all of the legal requirements for construction have had their permits revoked by local authorities after pressure from Islamist groups, even in the face of Indonesian Supreme Court decisions ruling the construction legal.

This report also documents incidents in which police failed to take action to prevent violence against religious minorities or provided no assistance in the aftermath of such incidents. Police all too often have been unwilling to properly investigate reports of violence against religious minorities, suggesting complicity with the perpetrators. Nor has the justice system proven to be a defender of religious minorities. In the few cases of violence that have gone to the courts, prosecutors have sought ridiculously lenient sentences for the perpetrators of serious crimes, which the judges seem content to oblige. The exception has been cases construed by authorities as acts of “terrorism,” as with the bombing of a church in Solo, Central Java, on September 25, 2011, in which a suicide bomber died and the wife of its funder is still being prosecuted for money

laundering, and an attempt to bomb another church in Serpong in April 2012, in which 19 people were arrested.

Indonesia's religious minorities also face entrenched discrimination in their dealings with the Indonesian government bureaucracy. During the Suharto era, Indonesians were required to list their religion on their national identification cards, choosing from one of five recognized religions, a practice that discriminated against, and put in an untenable position, followers of hundreds of minority religions. Although the current Population Administration Law gives citizens the choice of whether or not to declare their religious faith on their ID cards, those who wish to declare a faith still must choose from a list of six protected religions. Individuals who do not declare a religion risk being labeled "godless" by some Muslim clerics and officials and subject to possible blasphemy prosecution. In 2012 alone, a self-declared atheist, a Shia cleric, and a spiritualist have all been jailed for blasphemy after listing Islam as their religion on their ID cards.

Indonesian government institutions have also played a role in the violation of the rights and freedoms of the country's religious minorities. Those institutions, which include the Ministry of Religious Affairs, the Coordinating Board for Monitoring Mystical Beliefs in Society (Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat, Bakor Pakem) under the Attorney General's Office, and the semi-official Indonesian Ulama Council, have eroded religious freedom by issuing decrees and fatwas (religious rulings) against members of religious minorities and using their position of authority to press for the prosecution of "blasphemers."

Indonesia has in recent years made meaningful progress toward strengthening democracy and respect for human rights. Those gains, along with perceptions of Indonesia as a bulwark of a progressive, moderate Islam, have prompted international praise of Indonesia as a model Islamic democracy. For instance, in November 2010, US President Barack Obama, when visiting Jakarta, praised "the spirit of religious tolerance that is enshrined in Indonesia's constitution, and that remains one of this country's defining and inspiring characteristics."

If that reputation is to remain intact, strong and immediate action is needed, including more forceful leadership by Indonesian President Susilo Bambang Yudhoyono to reform the laws and government practices that have facilitated abuses against religious

minorities. The Indonesian government needs to meet its obligations to hold accountable police, government officials, and members of groups implicated in the abuses. Indonesia's reputation as a country "underpinned by the principle of religious freedom and tolerance" can only be realized if the government takes steps to curb the increasing targeting of and discrimination against religious minorities, returning to its founding principles, and fostering a national culture of acceptance and respect for all religious groups.

## Key Recommendations

President Susilo Bambang Yudhoyono has been inconsistent at best in defending the right to religious freedom. The absence of leadership has emboldened groups willing to use violence against religious minorities and the local and national officials who cater to them. Indonesia's constitution explicitly guarantees freedom of religion, and decentralization laws leave authority over religious freedom with the central government. What is most needed is the political will to wield that authority. Despite occasional positive rhetoric, however, President Yudhoyono has responded weakly to growing intolerance and acts of violence against religious minorities, has not insisted firmly that national laws be enforced, and has often been unwilling to use his powers as president to see that the laws be enforced.

More decisive leadership is urgently needed. Human Rights Watch supports the call for President Yudhoyono to work with parliament to devise and implement a national strategy on religious tolerance and religious freedom.<sup>3</sup> The effort should be led by an independent national taskforce composed of experts and politically influential individuals committed to religious freedom and not beholden to the existing Ministry of Religious Affairs hierarchy. The task force should be given a strong mandate and the resources necessary to produce a plan of action. Key elements of such a plan of action should include:

- Zero tolerance for attacks on religious minorities. Every attack on religious minority communities should be prosecuted.
- Active measures against local officials who fail to respect court judgments guaranteeing religious freedom, including construction of houses of worship. The task force and President Yudhoyono should work to ensure that obstruction of justice is made grounds for suspending local officials from public office when new local government laws are being drafted, and should press parliament to pass specific contempt of court legislation.
- Review of existing laws, regulations, and decrees on religion to identify provisions at odds with freedom of religion and freedom of conscience, followed by a timetable for revision or repeal of offending provisions.

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<sup>3</sup> Ibid., p. 18.



- National outreach on basic principles of religious freedom and religious tolerance, including education programs disseminated through government media and schools, and stronger policies and responses to incitement to violence targeting religious minorities, including greater clarity on when freedom of expression crosses the line into incitement to violence.

Even before a taskforce is convened and a national strategy on religious freedom and religious tolerance is adopted, President Yudhoyono should:

- Direct the police to respond more decisively to acts of religious violence, focusing on perpetrators of violence rather than targets of the violence, with sentences for perpetrators commensurate with the gravity of their crimes.
- Take immediate disciplinary action against all government officials, including the minister of religious affairs, who make statements or engage in actions that promote religious discrimination or condone violence.
- Use existing presidential powers, including over central government allocation of funds to local governments, to sanction local officials who defy the courts.

## Methodology

This report is based on research between August 2011 and December 2012. Human Rights Watch researchers conducted interviews in 10 provinces, on the islands of Java, Madura, Sumatra, and Timor. Sites were chosen based on areas where incidents of violence against religious minorities had been reported in the media or by civil society organizations.

Human Rights Watch interviewed 115 individuals during the course of the research. They included 71 victims of violence. They belonged to 14 Protestant congregations, 4 Ahmadiyah congregations, 2 Shia groups, 2 Catholic groups, and a Sunni Muslim mosque.

We also spoke with 26 religious leaders, 7 police officers, 5 leaders of militant groups, 5 private lawyers, and a prosecutor. Interviews were also conducted with experts at the Indonesian Conference on Religions and Peace, the International Crisis Group, the Setara Institute, the Wahid Institute in Jakarta, and the Legal Aid Institute in Padang.

Interviews were conducted in English, Indonesian, Javanese, Madurese, and Sundanese. Individual interviews and group interviews were conducted in the native language of the interviewee. Where necessary, translation from Indonesian to English or from Sundanese to Indonesian was undertaken with the assistance of an interpreter. Interviews consisted of series of open-ended questions.

Human Rights Watch researchers also analyzed multiple secondary sources including more than 3,000 pages of government letters, court documents, police reports, photos and NGO reports. All interviews were voluntary and interviewees were informed of the purpose of the interview, and the way in which the data would be used. Individuals who are named in this report gave their consent. All teenagers who were victims of violence and some adult victims have had their names withheld in the report due to security concerns. Interviewees did not receive any material compensation. All documents cited in the report are publicly available or on file with Human Rights Watch.

# I. Religion and the State since Independence

## Post-Independence Debates

Indonesia's constitution of 1945 explicitly promises the right to religious freedom under article 29(2): "The state guarantees each and every citizen the freedom of religion and of worship in accordance with his religion and belief." This guarantee was borne from debate on religious diversity that began in what was then the Dutch Indies in the 1920s,<sup>4</sup> and was sharpened by the exploitation of religious differences during the period of Japan's military occupation of Indonesia from 1942 to 1945.<sup>5</sup>

The Republic of Indonesia declared its independence on August 17, 1945. Sukarno, the leader of the independence movement and the country's first president, declared his vision of Indonesia as a god-fearing state but one that protects the rights of all religions. Essential to this vision was Sukarno's concept of *Pancasila* ("the five principles"), which became a pillar of Indonesian identity, enshrined in the opening of the constitution. Sukarno argued that *Pancasila* was essential to ensure the unity of the nation and the equality of all Indonesian citizens:

- Belief in the one and only God;
- Just and civilized humanity;
- Indonesian unity;
- Democracy under the wise guidance of representative consultations;
- Social justice for all of the people of Indonesia.<sup>6</sup>

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<sup>4</sup> The debate about the role of Islam in Indonesia began during the Dutch colonial rule. In the 1920s, Sukarno, a young fighter for independence, argued for the separation of religion, particularly Islam, and the state. He wrote that the fight against Dutch colonialism required the support of the country's ethnic minorities. Some Muslim thinkers questioned whether Islamic teachings could be confined to personal and individual matters and called for the establishment of an Islamic republic.

<sup>5</sup> In March 1942, Japan invaded the Dutch Indies. The Japanese occupation government considered many Muslim groups as allies due to their anti-Dutch Indonesian nationalism and established an office on Islamic affairs, the Shumubu. They also set up the Consultative Council of Indonesian Muslims (Majelis Syuro Muslim Indonesia, Masyumi) as the umbrella organization of all Muslim groups in Indonesia. In April 1945, the Japanese occupation government founded the Investigation Committee for Independence Preparation Efforts (Badan Penyelidik Usaha Persiapan Kemerdekaan, BPUPKI) to write Indonesia's constitution. BPUPKI included the main proponents of Indonesian independence and was a center of debate about the role of Islam in Indonesia.

<sup>6</sup> Saafroedin Bahar ed., *Risalah Sidang BPUPKI-PPKI 29 Mei 1945-19 Agustus 1945* (Jakarta: Sekretariat Negara, 1995, third edition).

*Pancasila* was the product of intense debate among the founders of independent Indonesia. Muslim leaders criticized Sukarno's *Pancasila* as too inclusive, and for prioritizing religious pluralism over the centrality of the Quran for Indonesia's Muslim-majority population. Some advocated a much more explicit and politically central role for Islam than that allowed under *Pancasila*.<sup>7</sup>

Sukarno, however, reasoned that religious tolerance was the key to Indonesia's unity, and that religious discrimination could split the nation. In a speech at the University of Indonesia in 1953, he stated:

If we establish a state based on Islam, many areas whose population is not Islamic, such as the Moluccas, Bali, Flores, Timor, the Kei Islands, and Sulawesi, will secede. And West Irian, which has not yet become part of the territory of Indonesia, will not want to be part of the Republic.<sup>8</sup>

After the founding of Indonesia in 1945 and the adoption of the *Pancasila* principles, some militant groups tried to declare parts of Indonesia an Islamic state. On August 7, 1949, one such group, calling itself "Darul Islam," announced the formation of a new Islamic State of Indonesia, Negara Islam Indonesia, in West Java. That insurrection, which the Indonesian government smothered, sparked a decade of violence between Islamist secessionist fighters and the Indonesian military which resulted in the deaths of some 11,000 people between 1953 and 1958 alone.<sup>9</sup>

Sukarno continued to express his commitment to religious pluralism. In his 1953 speech, he referred specifically to Indonesia's largest religious minority, Christianity, but with a vision that extended to all religious minorities:

Not one, not three, not a hundred, but thousands of Christians died in the struggle to defend freedom. What is to happen to the hopes of the

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<sup>7</sup> Some Muslim leaders and scholars advocated inclusion of Sharia in the constitution. Others argued for giving priority to the monotheism principle, "Belief in one God," as the first Pancasila principle rather than as last. See D. Rini Yunarti, BPUPKI, PPKI, Proklamasi Kemerdekaan RI (Jakarta: Penerbit Buku Kompas, 2003).

<sup>8</sup> Sukarno, "A speech at the University of Indonesia," Jakarta, May 7, 1953, in Herbert Feith and Lance Castles eds., Indonesian Political Thinking 1945-1965 (Jakarta: Equinox 2007) pp. 168-169.

<sup>9</sup> See Holk H. Dengel, Darul Islam NII dan Kartosuwirjo; *Angan angan yang Gagal* (Jakarta: Pustaka Sinar Harapan, 2011) p.147.

Christians? Should we not value their sacrifices, too? Their hope is to be with all of us members of a united and free Indonesian people. Do not use the term “minority,” no! The Christians do not want to be called a minority. We have not fought to be called minorities. The Christians say: “We have not sacrificed our sons to be called a minority.” Is that what you want? What everyone wants is to become a citizen of one free state, the United Republic of Indonesia. It is the same with me, with the ulamas [clerics], the youth, the officials, everyone without exception: everyone wants to be citizen of the Republic of Indonesia, everyone, without any minorities or majorities.<sup>10</sup>

In 1955 Indonesia held its first elections, with citizens voting for members of the national parliament and the Constitutional Assembly, the constitution-making body. Sukarno’s Indonesian National Party (Partai Nasional Indonesia, PNI) won a plurality with 22.3 percent of the vote. Masyumi, a coalition of Muslim groups founded in 1943, campaigned to implement Sharia law and came in second, with 21 percent.

The debate over pluralism continued. In 1957, for example, Masyumi chairman Muhammad Natsir declared that *Pancasila* was:

Obscure and has nothing to say to the soul of the Muslim community which already possesses a definite, clear and complete ideology, one which burns in the hearts of the Indonesian people as a living inspiration and source of strength, namely Islam. To exchange the Islamic ideology for Pancasila is, for Muslims, like leaping from the solid earth into empty space, into vacuum.<sup>11</sup>

In July 1959, Sukarno disbanded the Constitutional Assembly, revived the 1945 constitution, and introduced “Guided Democracy”—a concept that proved to be a justification for authoritarian rule.<sup>12</sup> In the early 1960s, Muslim conservatives persuaded

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<sup>10</sup> Sukarno, “A speech at the University of Indonesia, in Herbert Feith and Lance Castles eds., *Indonesian Political Thinking 1945-1965*, pp. 168-69.

<sup>11</sup> Muhammad Natsir, “The Dangers of Secularism,” a speech on November 12, 1957, in Herbert Feith and Lance Castles eds., *Indonesian Political Thinking 1945-1965* (Jakarta: Equinox, 2007) pp. 215-19.

<sup>12</sup> Adnan Buyung Nasution, who wrote his thesis on the 1956-1959 Constitutional Assembly debates, argued that Sukarno was too hasty in disbanding the assembly. Having interviewed many sources including Muhammad Natsir, Nasution wrote that Natsir had concluded that the debate was almost over. Nasution described the debates as productive and intelligent. The draft constitution provided more human rights protections than did the 1945 Constitution. See Adnan Buyung Nasution,

the Sukarno government to take action against mystical sects, including native faiths like Sunda Wiwitan, which “tarnished” Islam.<sup>13</sup> On January 27, 1965, Sukarno issued a presidential decree that prohibited individuals from being hostile toward other religions or committing blasphemy—defined as “abuse” and “desecration” of a religion. Sukarno also decreed that the government would steer “mystical sects ... toward a healthy way of thinking and believing in the One and Only God.” The decree was immediately incorporated into the Criminal Code as article 156a.<sup>14</sup>

## Religion under Suharto

A failed coup against President Sukarno in September 1965 claimed the lives of six army generals, but it was the army, led by then-Major General Suharto, that emerged as the paramount power in the aftermath. Although the events surrounding the coup attempt remain unclear and some participants themselves described it as an internal military affair, the government maintained that the Indonesian Communist Party was exclusively responsible for the coup attempt. From 1965 to 1967, then General Suharto presided over a bloodbath of leftists and suspected sympathizers, generating widespread fear in Java, Bali, Sumatra, Kalimantan, and other parts of the country. Estimates of the number of people killed range from 78,000 to more around 3 million.<sup>15</sup>

Political parties with Islamist affiliations did not, as might have been expected, gain from the destruction of the atheistic Indonesian Communist Party. Instead, Suharto maintained close control over them, pressuring Muslim-based parties to merge into a single group called the United Development Party (Partai Persatuan Pembangunan, PPP) which he kept on a short leash. This changed in the latter years of his rule, with Suharto alternately repressing and cultivating Islamic organizations as a political force, the state

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*The Aspiration for Constitutional Government in Indonesia: A Socio-Legal Study of the Indonesian Konstituante, 1956-1959* (Jakarta: Pustaka Sinar Harapan, 1992).

<sup>13</sup> In June 1964, the Kuningan government declared marriages of members of Sunda Wiwitan illegal. That move prompted 5,000 Sunda Wiwitan believers to convert to Catholicism. See Iman C. Sukmana, *Menuju Gereja Yang Semakin Pribumi: Analisis Konflik Internal Dalam Gereja Eks-Ads* (Jakarta: Penerbit Universitas Atma Jaya, 2011).

<sup>14</sup> Penetapan Presiden Republik Indonesia Nomor 1/Pnps Tahun tentang Pencegahan Penyalahgunaan dan/atau Penodaan Agama, signed by President Sukarno in Lembaran Negara Republik Indonesia Tahun 1965 Nomor 3. Human Rights Watch unofficial translation of Criminal Code article 156a.

<sup>15</sup> Oei Tjoe Tat, a Sukarno cabinet minister who led a fact finding mission in 1966, estimated 78,000 people were killed in 1965-1966. But General Sarwo Edhie Wibowo, who led the military operation against the communists, told a parliamentarian delegate in 1989 on his death bed that around three million people were killed. See Oei Tjoe Tat et al., *Memoar Oei Tjoe Tat: Pembantu Presiden Soekarno* (Jakarta: Hasta Mitra, 1995); Tempo, *Sarwo Edhie dan Misteri 1965* (Jakarta: Kepustakaan Populer Gramedia, 2012).

increasingly identified with observant Islam. The latter development was exemplified by the state-sponsored formation of ICMI (Ikatan Cendekiawan Muslim Indonesia, Indonesian Association of Muslim Intellectuals) in 1991 led by Indonesian technology minister B.J. Habibie.

Despite government wariness and close scrutiny of Muslim groups, acts of violence by militants against religious minorities occasionally occurred. For example, in early 1967 Muslim militants attacked Christian properties in Meulaboh in Aceh, Makassar in South Sulawesi, and Jakarta, claiming to be fighting “Christianization.”<sup>16</sup> The latter term generally refers both to alleged Christian efforts to convert Muslims and to what some Muslims see as the growing influence of Christianity in Muslim-majority Indonesia.

In November 1967, the Suharto regime organized an inter-faith conference in Makassar to address tensions between Muslims and Christians. At the conference, Muslim organizations asked Christian churches not to proselytize or build new churches in Muslim-majority areas. Christian leaders rejected the proposal and the conference ended without an agreement. In September 1969, Minister of Religious Affairs Mohammad Dahlan and Minister of Home Affairs Amir Machmud issued a decree that empowered local officials to permit or prevent new houses of worship.<sup>17</sup>

Between 1971 and 1997, Suharto organized six tightly controlled general elections and maintained broad-based repression on society, while stressing his economic development and “modernization” policies. Political activity, including by Islamic organizations, was sharply limited.

The Suharto administration on several occasions used unnecessary deadly force against Islamist activists. In September 1984, the military gunned down protesters in Tanjung

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<sup>16</sup> In Jakarta, a mob attacked and burned a newly built church on April 28, 1969. In Meulaboh in 1967, national politicians were involved in a parliamentary debate over a plan of the Methodist church to build a house of worship. In Makassar, on October 1, 1969, Muslim students organized by the Muslims’ Student Association (Himpunan Mahasiswa Islam, HMI) attacked nine Protestant churches, four Catholic churches, one nun dormitory, one academy of theology, one Catholic student association office and two Catholic schools. The Makassar HMI was led at the time by chairman Jusuf Kalla who would become Indonesia’s vice president in 2004. See Mujiburrahman, *Feeling Threatened: Muslim-Christian Relations in Indonesia’s New Order* (Amsterdam: Amsterdam University Press, 2006) pp. 29-40. See also, Melissa Crouch, “Implementing the Regulation on Places of Worship in Indonesia: New Problems, Local Politics and Court Action,” *Asian Studies Review*, vol.34, iss.4 (2010), pp. 403-19.

<sup>17</sup> Mujiburrahman, *Feeling Threatened: Muslim-Christian Relations in Indonesia’s New Order*, (Amsterdam: Amsterdam University Press, 2006) pp.28-49.



Priok seaport area in Jakarta. They had been protesting the arrest of four Muslim activists over a dispute with a soldier who had entered their mosque wearing shoes. In February 1989, after young Darul Islam militants led an uprising and killed two military officers, the military attacked a village in Talangsari, southern Sumatra, killing dozens of Islamist activists and arresting and prosecuting at least 94 others.<sup>18</sup>

## Post-Suharto Developments

President Suharto's fall from power in May 1998 unleashed political activity across the political spectrum. Islamist activists, increasingly emboldened by democratic Indonesia's new freedoms, organized themselves into a small but growing, and at times potent, political force. Several political parties, including the largest mainstream parties, lobbied successive presidents to pass and implement laws, and adopt policies that restrict the religious freedom of minorities.

Political tumult also followed Suharto's departure from office. In northern Sumatra, Acehese separatists demanded a referendum similar to that which occurred in East Timor in 1999.<sup>19</sup> In Kalimantan, Dayak and Malay militias massacred thousands of Madurese settlers in 1997-2003, while thousands more people were killed during sectarian conflict on the Moluccan islands in 1999-2004.<sup>20</sup> Sectarian violence between Christians and Muslims also erupted in Poso on Sulawesi.

Since Suharto fell, conservative Islam has grown in political influence, in part because Islamist political parties have been allowed to play an open and legal role in Indonesian politics and in part because hardline civil society groups operating outside the political system have grown in size, number, and sophistication. In the June 1999 parliamentary election, political parties that publicly identified themselves as advocates of Islamic principles constituted 20 of the 48 parties that contested the elections. The two leading

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<sup>18</sup> See Tapol, *Muslims on Trial* (London: Tapol, 1987); See KontraS, "Massacre of Tanjung Priok in 1984" and "Massacre of Talangsari in Lampung, 1989," KontraS website, <http://www.kontras.org/eng/index.php?hal=pastabuse> (accessed June 19, 2012).

<sup>19</sup> See Clinton Fernandes, *Reluctant saviour: Australia, Indonesia, and the independence of East Timor* (Victoria: Scribe Publications, 2004); Richard Tanter, Geert Arend Van Klinken, Desmond Ball, *Masters of Terror: Indonesia's Military And Violence In East Timor* (Maryland: Rowman & Littlefield, 2006).

<sup>20</sup> See Jamie Davidson, *From Rebellion to Riots: Collective Violence on Indonesian Borneo* (Wisconsin: The University of Wisconsin Press, 2008); Geert Arend van Klinken, *Communal Violence and Democratization in Indonesia: Small Town Wars* (Oxford: Routledge, 2007); Patricia Spyer, "Fire without Smoke and Other Phantoms of Ambon's Violence: Media Effects, Agency, and the Work of Imagination," *Indonesia*, Vol. 74 (2002) pp. 21-36.

nationalist, “secular” parties won 56 percent of the vote, while Muslim-identified parties altogether garnered around 37 percent, with the moderate Nation Awakening Party and the National Mandate Party gaining 12 and 7 percent respectively. Two Islamist parties, which openly campaign for the Islamic Sharia, the United Development Party and the Justice Party (Partai Keadilan, PK), gained 11 and 1.5 percent respectively.<sup>21</sup>

In the post-Suharto era, Islamists, like other groups, have also used the expanded democratic space to publicize and promote their ideas. Populist and often militant Islamist groups have significantly grown in strength. They include the FPI, created in August 1998, three months after Suharto stepped down, with support from government security agencies as a means to challenge student groups that played a key role in pressuring Suharto to resign.

Since Susilo Bambang Yudhoyono took office in December 2004, there has been an increase in violence targeting Ahmadiyah, Christians, Shia, and other religious minorities, as the data from the Setara Institute, cited above, demonstrates. More than 430 churches have been attacked since 2004, according to the Communion of Churches in Indonesia.<sup>22</sup> Attacks against Ahmadiyah mosques increased markedly since Yudhoyono capitulated to pressure from hardline Islamist groups and issued an anti-Ahmadiyah decree in June 2008. At least 30 Ahmadiyah mosques have been forced to close since then.

Although four post-Suharto presidents have made progress in transforming Indonesia into a rights-respecting democracy, they have also faced serious challenges from militant Islamists. Those challenges include bombings, deadly assaults on the Ahmadiyah community, and the closing down of Christian churches. While Islamist groups have carried out the attacks, the failure of the authorities at the local and national levels to take serious action against those responsible has created a climate in Indonesia in which members of minority religious communities have much to fear. For that, the government from the president on down remains responsible.

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<sup>21</sup> Azra, Azyumardi, *Indonesia, Islam, and Democracy: Dynamics in a Global Context* (Singapore: Equinox, 2006) p. 15.

<sup>22</sup> Human Rights Watch interview with Jeirry Sumampauw, an official of the Communion of Churches (PGI) in Indonesia, in charge of compiling annual reports about various abuses against Christians, Jakarta, September 7, 2011. See also the PGI website [www.pgi.or.id](http://www.pgi.or.id) <http://st291735.sitekno.com/page/36867/tahun-2005.html> (accessed June 25, 2012).

## Religious Diversity in Indonesia

Indonesia has a total population of 238 million people, according to the 2010 census. The country is spread over a far-flung archipelago of more than 17,000 islands that is home to more than 1000 linguistic groups, based largely on ethnicity. Approximately 88 percent self-identify as Muslim, 9.3 percent as Christian, 1.8 percent as Hindu, 0.6 percent as Buddhist, and the rest as followers of various smaller religions.<sup>23</sup> While there is tremendous diversity among those who identify as Muslim, it is not surprising that Islam is a key reference point in discussions of Indonesian politics and society.

Ethnicity is also an important factor and remains closely intertwined with religion. Different ethnic groups practice different religions. The Javanese and the Sundanese, Indonesia's two largest ethnic groups, for example, are predominantly Sunni Muslim; the Malay and the Madurese, the third and the fourth largest ethnic groups, are also predominantly Sunni Muslim; the Batak, the fifth largest ethnic group, is majority-Christian.

### 10 Largest Ethnic Groups of Indonesian Citizens:

#### 2000 Census

Ethnic Group	Number (million)	Percentage
Javanese	83.8	41.7
Sundanese	30.9	15.4
Malay	6.9	3.5
Madurese	6.7	3.4
Batak	6.0	3.0
Minangkabao	5.5	2.7
Betawi	5.0	2.5
Buginese	5.0	2.5
Bantenese	4.1	2.0
Banjarese	3.5	1.7

Source: Indonesia's Population: by Leo Suryadinata, Evi N. Arifin, Aris Ananta, *Ethnicity and Religion in a Changing Political Landscape* (Singapore: ISEAS, 2003).

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<sup>23</sup> Ministry of Religious Affairs, Bidang Tatakelola Pemerintahan Field of Governance, Appendix 1: Population in Indonesia by Religion, 2010, <http://kemenag.go.id/file/dokumen/KEMENAGDALAMANGKAupload.pdf> (accessed March 3, 2012).

The Javanese and Sundanese, who live mainly on the eastern and western sides of Java, make up 57 percent of Indonesia's population. That population concentration makes Java the epicenter of Indonesian political power and influence.

## Sunni Muslims and Sunni Groups

Indonesia has the largest Muslim population of any country in the world. According to the Pew Research Center, about 13 percent of the world's Muslims live in Indonesia.<sup>24</sup> In recent decades, Muslims as a percentage of Indonesia's total population has remained relatively static. According to Indonesia's 1971 census, there were 103.6 million Muslims, constituting about 87.5 percent of Indonesia's total population of 118 million people.<sup>25</sup> In 2010, there were 209 million Muslims or about 88 percent of the total population of 238 million people.<sup>26</sup>

Nearly all of Indonesia's Muslims are Sunni, the largest branch of Islam globally. There is no official census on the number of Sunni, Shia, or other sects in Indonesia. Sunni Muslims in Indonesia are represented through various organizations that cut across the political spectrum. Some organizations are locally grown while others have strong international ties. The ultra-conservative strains of Sunni Islam in Indonesia have been influenced by *salafism* and *Wahabbism*. *Salafism* is an ultra-puritan movement that aims to practice Islam as the Prophet Mohammad, his companions, and the first three generations of Muslims did. *Wahabbis* believe Islam provides a fully adequate template for politics as well as faith, and they view many political opponents as *kafir*, or infidels.<sup>27</sup>

Indonesia's two largest indigenous Sunni Muslim organizations are the Muhammadiyah and the Nahdlatul Ulama (NU).

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<sup>24</sup> Pew Research Center, "Mapping The Global Muslim Population: A Report on the Size and Distribution of the World's Muslim Population," October, 2009, <http://www.pewforum.org/newassets/images/reports/Muslimpopulation/Muslimpopulation.pdf> (accessed July 19, 2012).

<sup>25</sup> Leo Suryadinata, Evi N. Arifin, Aris Ananta, *Indonesia's Population: Ethnicity and Religion in a Changing Political Landscape* (Singapore: ISEAS, 2003) pp. 106-11.

<sup>26</sup> Ministry of Religious Affairs, Appendix 1: Population in Indonesia by Religion, 2010.

<sup>27</sup> Wahabbism was established in 1744 when preacher Abd al-Wahhab found refuge near today's Riyadh in Saudi Arabia with local chief Muhammad bin Sa'ud. They agreed to make common cause with Abd al-Wahhab giving the ruler religious legitimacy, and Ibn Sa'ud granting al-Wahhab freedom to rid the inhabitants of what he saw as centuries of sinful innovations and to return them to the path of true Islam. See International Crisis Group, "Why Salafism and Terrorism Mostly Don't Mix," September 13, 2004, [http://www.crisisgroup.org/~media/Files/asia/south-east-asia/indonesia/83\\_indonesia\\_backgrounder\\_why\\_salafism\\_and\\_terrorism\\_don\\_t\\_mix\\_web.pdf](http://www.crisisgroup.org/~media/Files/asia/south-east-asia/indonesia/83_indonesia_backgrounder_why_salafism_and_terrorism_don_t_mix_web.pdf) (accessed January 25, 2013).

The Muhammadiyah, established in 1912 in Yogyakarta, is a reformist Muslim movement, which from the start set up schools and hospitals and worked to purify the teaching of Islam from pre-Islamic, Hindu- or Buddhist-influenced practices. It is the second largest Muslim organization in Indonesia.<sup>28</sup>

The Nahdlatul Ulama is a Sunni organization established in 1926 in Jombang, East Java. The name in Arabic means “the leadership of the ulamas,” the body of Muslim scholars. It operates thousands of Islamic boarding schools or *pesantren*, mostly on Java, though it too is national in scope. The NU also accommodates hundreds of Islamic *tariqah* (sufi) organizations under its umbrella, helping protect such groups from being branded as heretical.<sup>29</sup> The NU claims to have 40-45 million members, making it the largest Muslim organization in Indonesia.

The Muhammadiyah and the NU have had inconsistent approaches toward religious minorities. On the one hand, prominent individuals in both organizations have tried to oppose discriminatory measures against religious minorities.<sup>30</sup> In 2008, a group of such individuals tried to stop the government from issuing the anti-Ahmadiyah decree, signing a petition published in the *Kompas* newspaper. In 2009 several petitioned the Constitutional Court to revoke the blasphemy law.

On the other hand, neither the NU nor Muhammadiyah organizations officially opposed the 2008 anti-Ahmadiyah decree. Even though both officially oppose the use of violence against Ahmadiyah, their silence on the decree is said to have been influential in its passage.<sup>31</sup> In East Java, the NU has supported banning Shia Islam.<sup>32</sup> And both the NU and Muhammadiyah are represented in the conservative Indonesian Ulama Council (MUI),

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<sup>28</sup> Robin Bush, “A Snapshot of Muhammadiyah: social change and shifting markers of identity and values,” a paper presented at the International Conference on Muhammadiyah (Malang, November 29-December 2, 2012).

<sup>29</sup> See Ja’far Shodiq, Pertemuan antara Tarekat dan NU, *Studi Hubungan Tarekat dan NU dalam Konteks Komunikasi Politik 1955-2004* (Yogyakarta: Pustaka Pelajar, 2008).

<sup>30</sup> Notable are Abdurrahman Wahid and Musdah Mulia of the NU and Dawam Rahardjo and Ahmad Syafi’i Maarif of Muhammadiyah.

<sup>31</sup> See Jeremy Menchik, “The origins of intolerance toward Ahmadiyah,” *The Jakarta Post*, October 2, 2011, <http://www.thejakartapost.com/news/2012/02/10/the-origins-intolerance-ward-ahmadiyah.html> (accessed April 23, 2012).

<sup>32</sup> Bersama Dakwah, “PWNU Jatim Dukung Fatwa MUI Sampang Soal Syiah Tajul Muluk,” January 5, 2012, <http://www.bersamadakwah.com/2012/01/pwnu-jatim-dukung-fatwa-mui-sampang.html> (accessed January 30, 2013). See also MUI East Java, Fatwa No. Kep-01/SKF-MUI/JTM/1/2012 signed January 21, 2012 by chairman K.H. Abdusshomad Buchori and secretary Imam Tabroni.

which advises the government regarding policies on religion. Some of their leaders signed an MUI fatwa to ban the Ahmadiyah.

At the other end of the spectrum are various conservative Muslim groups, including the FPI, which use Islamic edicts to try to justify numerous vigilante actions against bars, clubs, pool halls, and Christian churches and Ahmadiyah mosques.<sup>33</sup> FPI chairman Rizieq Shihab, and its militia commander Munarman were sentenced to 18 months in prison for an attack by elements of the FPI against an interfaith gathering in Jakarta in 2008.<sup>34</sup>

Historically the FPI has had close connections to some police and army generals. According to leaked documents, an Indonesian intelligence official in 2006 told US Embassy officials that the Indonesian police found it useful to have FPI available as their "attack dog," a handy tool to spare the security forces from criticism for human rights violations, while funding the FPI was a "tradition" of the police and the State Intelligence Agency (Badan Intelijen Negara, BIN).<sup>35</sup> The police have denied having relations with the FPI.<sup>36</sup>

Another militant group, the Islamic Reformist Movement (Gerakan Islam Reformis, Garis) operates only in Cianjur regency, West Java, about a three-hour drive from Jakarta. Garis chairman Chep Hernawan, a businessman, set up the group in 1998. Since 2005, Garis has orchestrated public pressure to close Ahmadiyah mosques. In 2007, Garis stopped a pilgrimage at a Catholic monastery in Cianjur.<sup>37</sup>

Indonesia also has extremist Islamist groups that openly use violence in promoting their cause. Under the influence of al Qaeda, Jemaah Islamiyah (JI) embraced the idea that its goals could only be secured through a "holy war." The JI was responsible for bombings in Indonesia and elsewhere in the region, including blasts in two Bali nightclubs on October

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<sup>33</sup> See Ian Douglas Wilson, "As Long As It's Halal: Islamic Preman in Jakarta," in Fealy, Greg and White, Sally eds., *Expressing Islam: Religious Life and Politics in Indonesia* (Singapore: ISEAS, 2008).

<sup>34</sup> Indosiar, "Insiden Monas: Habib dan Munarman Divonis 1,5 Tahun," October 30, 2008, [http://www.indosiar.com/fokus/habib-dan-munarman-divonis-15-tahun\\_76525.html](http://www.indosiar.com/fokus/habib-dan-munarman-divonis-15-tahun_76525.html) (accessed May 7, 2012).

<sup>35</sup> Wikileaks, "Indonesian Biographical and Political Gossip," cable from the US Embassy on May 9, 2006, <http://www.cablegatesearch.net/cable.php?id=06JAKARTA5851&q=agung%20fpi%20indonesia%20islam%20laksono%20police%20rizieq%20shihab> (accessed May 3, 2012).

<sup>36</sup> "Police deny relations with FPI following Wikileaks Release," *The Jakarta Post*, September 4, 2011, <http://www.thejakartapost.com/news/2011/09/04/police-deny-relations-with-fpi-following-wikileaks-release.html> (accessed May 3, 2012).

<sup>37</sup> See Ismail Hasani and Bonar Tigor Naipospos, *The Faces of Islam 'Defenders'* (Jakarta: Setara Institute, 2011) pp. 91-92.

12, 2002, that killed 202 people. It was also implicated in attacks against Christian targets in Indonesia. A breakaway JI cell perpetrated a suicide bombing outside the Australian embassy in Jakarta in September 2004, and a similar strike at the JW Marriott hotel, also in Jakarta, in August 2003. Scores of Jemaah Islamiah militants have been jailed or killed in government counterterrorism operations since 2001.

In 2000, a Jemaah Islamiah co-founder, Abu Bakar Bashir, helped create the Indonesian Mujahedeen Council (Majelis Mujahidin Indonesia, MMI) in Yogyakarta. Bashir had a dispute with other MMI leaders over its involvement in democratic processes in Indonesia.<sup>38</sup> Bashir then left the MMI and set up the Jemaah Ansharut Tauhid (JAT) in 2008. Bashir and other JAT figures speak out against democracy, advocate full application of the Islamic Sharia, and preach a militant interpretation of jihad.<sup>39</sup> Suicide bombers belonging to a breakaway group of the JAT attacked a Cirebon mosque on April 15, 2011, and a church in Solo on September 25, 2011.<sup>40</sup> Bashir himself was convicted and sentenced to 15 years in prison in June 2011 for his role in funding a militant training camp in Aceh.<sup>41</sup> The term was later reduced to nine years. He is on the UN list of individuals associated with al Qaeda.<sup>42</sup>

## Shia Muslims

Shia is the second largest denomination of Islam in Indonesia. In Arabic, Shia is the short form of the phrase *Shiatu Ali* or "followers of Ali"—a reference to Ali ibn AbiTalib, the son-in-law of the Prophet Mohammed. Sunnis consider Ali the fourth and final of the four caliphs (656–661). Shia regard Ali as the first *imam* (worship leader) and consider him and his descendants the rightful successors to Mohammed.

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<sup>38</sup> See Abu BakarBa'asyir, "Khiththoh Jamaah Ansharut Tauhid," June 20, 2011, <http://ansharuttauhid.com/read/jamaah/180/khiththoh-jat/> (accessed May 7, 2012).

<sup>39</sup> International Crisis Group, "The Dark Side of Jama'ah Ansharut Tauhid," July 6, 2010, <http://www.crisisgroup.org/en/regions/asia/south-east-asia/indonesia/B107-indonesia-the-dark-side-of-jamaah-ansharut-tauhid-jat.aspx> (accessed May 7, 2012).

<sup>40</sup> International Crisis Group, "From Vigilantism to Terrorism in Cirebon," January 26, 2012, <http://www.crisisgroup.org/en/publication-type/media-releases/2012/asia/indonesia-from-vigilantism-to-terrorism-in-cirebon.aspx> (accessed May 7, 2012).

<sup>41</sup> Department of State, "Terrorist Designations of Jemmah Anshorut Tauhid," February 23, 2012, <http://www.state.gov/r/pa/prs/ps/2012/02/184509.htm> (accessed June 20, 2012).

<sup>42</sup> United Nations, "The List established and maintained by the 1267 Committee with respect to individuals, groups, undertakings and other entities associated with Al-Qaida," updated on June 6, 2012, <http://www.un.org/sc/committees/1267/pdf/AQList.pdf> (accessed June 20, 2012).



There is no census on the number of Shia Muslims in Indonesia. The All Indonesian Assembly of Ahlulbayt Associations (Ikatan Jama'ah Ahlul Bayt Indonesia, IJABI), a national Shia organization established in 2000, has said there are around 2.5 million Shia in Indonesia.<sup>43</sup> Another Shia organization, the Ahlul Bayt Indonesia (ABI), which emerged in 2010,<sup>44</sup> said that most Indonesian Shia reside in East Java and West Java provinces.<sup>45</sup>

In 1984, the Indonesian Ulama Council issued a fatwa calling on Indonesian Muslims to be “on alert” for Shia teachings.<sup>46</sup>

## Christians

Christians are the second largest religious group in Indonesia, consisting of 22 million people, or 9.3 percent of the population. In Indonesia, Christianity is legally divided into two religions: Catholicism and Protestantism. Roughly two-thirds of the Christians are Protestant, while one-third are Catholic. The Communion of Churches in Indonesia (Persekutuan Gereja-gereja di Indonesia, PGI), an umbrella of Protestant churches, has 40 members, 30 of which are “ethnic churches,” meaning that their services are conducted mainly in local languages.

Indonesia’s Protestants have two smaller umbrella groups: the Indonesian Communion of Evangelical Churches (Persekutuan Gereja-gereja dan Lembaga-lembaga Injili Indonesia, PGLI), which has 82 individual churches,<sup>47</sup> and the Indonesian Pentecostal Churches Communion (Persekutuan Gereja-gereja Pentakosta Indonesia, PGPI).<sup>48</sup>

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<sup>43</sup> IJABI Facebook page, “A brief introduction to the All- Indonesian Assembly of Ahlulbayt Association,” January 29, 2009, <https://www.facebook.com/pages/IJABI-THE-ALL-INDONESIAN-ASSEMBLY-OF-AHLULBAYT-ASSOCIATIONS/47173758562?sk=info> (accessed May 8, 2012).

<sup>44</sup> Ahlul Bait Indonesia, “Sejarah Ahlulbait Indonesia,” June 27, 2011, <http://ahlulbaitindonesia.org/index.php/profil/sejarah/ahlulbait-indonesia.html> (accessed May 8, 2012).

<sup>45</sup> Human Rights Watch interview with YAPI teacher Muhammad Alwi, Bangil, September 18, 2011.

<sup>46</sup> US Embassy to Jakarta Cable, “Indonesia's Shias: A Small Community Under Some Pressure,” September 13, 2007, <http://www.cablegatesearch.net/cable.php?id=07JAKARTA2556&q=ijabi%20indonesia%20shia> (accessed November 25, 2011).

<sup>47</sup> The PGPI website lists the names of individual churches in their group. PGPI, “Persekutuan Gereja- Gereja Dan Lembaga- Lembaga Injili Indonesia,” <http://www.pgpi.org/members/gereja.htm> (accessed June 21, 2012).

<sup>48</sup> The PGPI website says that Pentecostal churches began to organize themselves in 1925 in Surabaya. PGPI, “Persekutuan Gereja- Gereja Dan Lembaga- Lembaga Injili Indonesia,” (accessed June 21, 2012).

Christian militias were involved in violence against Muslim minorities in the Moluccas Islands and Poso after President Suharto stepped down from power in 1998. Christian majority also often hamper mosque constructions in their areas, mostly in eastern Indonesia.

Catholics are organized through the Bishops' Conference of Indonesia (Konferensi Waligereja Indonesia, KWI). The government almost always consults both PGI and KWI when it is promulgating a rule affecting religious freedom.

#### Number, Percentage, and Growth Rate of Indonesia's Religious Followers

Religion	1971 Census		2000 Census		Annual Growth Rate
	Number (million)	%	Number (million)	%	
Muslim	103,579,496	87.51	177,528,772	88.22	1.86
Christian	8,741,706	7.39	17,954,977	8.92	2.48
Hindu	2,296,299	1.94	3,651,939	1.81	1.60
Buddhist	1,092,314	0.92	1,694,682	0.84	1.51
Confucian	972,133	0.82	-	-	-
Others	1,685,902	1.42	411,629	0.20	-4.86
<b>TOTAL</b>	<b>118,367,850</b>	<b>100</b>	<b>201,241,999</b>	<b>100</b>	

Source: Leo Suryadinata, Evi N. Arifin, Aris Ananta, *Indonesia's Population: Ethnicity and Religion in a Changing Political Landscape* (Singapore: ISEAS, 2003)

The Batak ethnic group, the fifth largest ethnic group in Indonesia, is predominantly Christian, consisting of several denominations. The Batak Protestant Christian Church (Huria Kristen Batak Protestan, HKBP) is the largest Christian church in Southeast Asia, with around 3.5 million churchgoers in more than 3,000 congregations across the country.<sup>49</sup>

The number of Christians in Indonesia has increased slightly since the 1970s as a percentage of the total population, rising from 7.4 percent in 1971 to 8.9 percent in 2010.

<sup>49</sup> See Hans J. Hillerbrand, *Encyclopedia of Protestantism, Volume 1* (Taylor & Francis Routledge, 2003) pp. 337-38.

A large number of Indonesia's ethnic Chinese, an economically dominant group in Southeast Asia, have converted from Confucianism to Christianity. In 2000, about 1.5 percent of Indonesia's population was ethnic Chinese.<sup>50</sup>

## Hindus

Hindus are the second largest religious minority in Indonesia. They mostly live on Bali Island. Bali has around 3.4 million Hindus. Balinese Hindu migrants, sponsored by the government since the 1980s, also have a presence in Lampung, southern Sumatra, and in Central Sulawesi province.<sup>51</sup>

Several tribal beliefs such as Kaharingan (among the Dayak in Borneo), Aluk To Dolo (among Torajans in southern Sulawesi), and Malim (among the Batak in Sumatra) have sought affiliations with Hinduism in order to survive, while preserving their distinctiveness from Indonesia's Balinese-dominated Hinduism.<sup>52</sup>

## Buddhists

Buddhism has a long history in Indonesia with scores of temples in Java and Sumatra, including the Muaro Jambi temple built in the 7<sup>th</sup> century and the Borobudur temple near Yogyakarta built in the 8<sup>th</sup> and the 9<sup>th</sup> centuries. Islamist militants bombed several Borobudur stupas in January 1985.<sup>53</sup>

The majority of Indonesia's Buddhists are ethnic Chinese who have emigrated from China to Indonesia over the past seven centuries.<sup>54</sup> Ethnic Chinese have a complex

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<sup>50</sup> See Leo Suryadinata, "Buddhism and Confucianism in Indonesia" in Tim Lindsey and Helen Pausacker eds., *Chinese Indonesians: Remembering, Distorting, Forgetting* (Singapore: ISEAS, 2005).

<sup>51</sup> In 1964, Parisada Hindu Dharma Bali (Bali Hindu Dharma Community), a large Hindu organization on Bali Island, changed its name to Parisada Hindu Dharma Indonesia (Indonesia Hindu Dharma Community), reflecting subsequent efforts to define Hinduism as a national, rather than just a Balinese, concern. See Ministry of Religious Affairs, "Appendix 1: Population in Indonesia by Religion," 2010.

<sup>52</sup> See Aubrey Belford, "Borneo Tribe Practices Its Own Kind of Hinduism," *New York Times*, September 25, 2011, <http://www.nytimes.com/2011/09/26/world/asia/borneo-tribe-practices-its-own-kind-of-hinduism.html?pagewanted=all> (accessed May 8, 2012).

<sup>53</sup> See Unesco, "Borobudur Temple Compounds," <http://whc.unesco.org/en/list/592> (accessed June 18, 2012).

<sup>54</sup> A Mongol force of 20,000 soldiers sent to Java in 1293 to punish King Kertanegara for his insolence had profound, if unintended, consequences. Kertanegara's son-in-law, Wijaya, was able to manipulate the Chinese troops to his own advantage. Thousands of Chinese soldiers reportedly died in Java, but many must have been captured by the Javanese or stayed behind voluntarily. This episode not only marked the rise of the new dynasty of Majapahit, but also brought a

history in Indonesia, establishing themselves as an economically dominant minority in the early 20<sup>th</sup> century.<sup>55</sup> That economic dominance has at various times, in recent Indonesian history, prompted often bitter racial prejudice and even violence at the hands of elements of the majority population.<sup>56</sup>

Today, according to the 2010 census, about 1.5 million Indonesians are Buddhists, about 0.6 percent of the population. Most Buddhists live in Jakarta, North Sumatra, West Kalimantan, Banten, as well as in Bangka and Belitung islands.<sup>57</sup>

## Ahmadiyah

The Ahmadiyah (sometimes referred to as Ahmadis, sometimes spelled Ahmadiyya) profess to be Muslims, though most Muslims consider them to be heretics for reasons including their acknowledgment of a “messiah” after Mohammad, although some Ahmadiyah groups insist that, like mainstream Muslims, they do not recognize any prophet after Mohammad. The movement was founded by Mirza Ghulam Ahmad (1839–1908), who was born in Punjab, India. In 1889, Ahmad declared that he had received divine revelation, and two years later claimed to be the expected messiah of the latter days.

An Ahmadiyah missionary arrived in Sumatra in 1925. In 1926, the first Ahmadiyah mosque was established in Padang, Sumatra.<sup>58</sup> A West Sumatra decree in 2011 sought to close it.<sup>59</sup> The Jamaah Ahmadiyah Indonesia (JAI), the national organization of the Ahmadiyah, was legally registered in Jakarta in 1953.

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major injection of Chinese technology to Java. It was considered to be the first migration of Chinese on Java Island. See Lynn Pan, *The Encyclopedia of the Chinese Overseas* (Singapore: Chinese Heritage Centre, 2006) p. 50.

<sup>55</sup> The first large Chinese business in the Dutch Indies was Oei Tiong Ham Concern, established in Semarang, Java Island, in 1863. In 1890, young Oei Tiong Ham took over the firm, building it into one of the largest firms in Southeast Asia. It’s involved in trade of rubber, kapok, gambir, tapioca and coffee. He died in 1924 in Singapore. See Kunio Yoshihara, Oei Tiong, *Ham Concern: the first business empire of Southeast Asia* (Kyoto University: Center for Southeast Asian Studies, 1989).

<sup>56</sup> See Jemma Purdey, *Anti-Chinese Violence in Indonesia, 1996–1999*, PhD thesis, Department of History and Melbourne Institute of Asian Languages and Societies (Melbourne: University of Melbourne, 2006)  
[http://dtl.unimelb.edu.au/R/DPNV4AJV3EVN3UKM2QUVREKRVEX8MT9XNC9T894V9AVRR2EUT4-00471?func=dbin-jump-full&object\\_id=66101&local\\_base=GEN01&pds\\_handle=GUEST](http://dtl.unimelb.edu.au/R/DPNV4AJV3EVN3UKM2QUVREKRVEX8MT9XNC9T894V9AVRR2EUT4-00471?func=dbin-jump-full&object_id=66101&local_base=GEN01&pds_handle=GUEST) (accessed January 24, 2013).

<sup>57</sup> See Ministry of Religious Affairs, “Appendix 1: Population in Indonesia by Religion,” 2010

<sup>58</sup> Andreas Harsono, “Ahmadiyah, Rechtstaat dan Hak Asasi Manusia,” February 18, 2010  
[http://www.andreasharsono.net/2010/02/ahmadiyah-rechtstaat-dan-hak-asasi\\_18.html](http://www.andreasharsono.net/2010/02/ahmadiyah-rechtstaat-dan-hak-asasi_18.html) (accessed May 8, 2012).

<sup>59</sup> Human Rights Watch visited the disputed mosque in Padang on April 6, 2012.

There are no statistics on the number of Ahmadis in Indonesia. Indonesian Minister of Religious Affairs Suryadharma Ali, who has said the Ahmadiyah should be banned, estimated that it has 50,000 members, denying media reports that it has 400,000 members.<sup>60</sup> The Indonesian Ulama Council declared the Ahmadiyah to be heretical in a 1980 fatwa and reissued the fatwa in 2005.<sup>61</sup>

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<sup>60</sup> “Menteri Agama Bantah Jumlah Anggota Ahmadiyah Capai 400 Ribu,” *Republika*, February 10, 2011, <http://www.republika.co.id/berita/breaking-news/nasional/11/02/10/163354-menteri-agama-bantah-jumlah-anggota-ahmadiyah-capai-400-ribu> (accessed May 8, 2012).

<sup>61</sup> MUI fatwa No. 11/Munas VII/MUI/15/2005 signed July 29, 2005 by fatwa commission members Ma’ruf Amin (chairman) and Hasanudin (secretary) as well as by plenary conference members Umar Shihab (chairman) and Din Syamsuddin (secretary).

## II. Laws and Institutions that Facilitate Discrimination and Abuse

The Indonesian government has through its constitution and international treaties committed to respect the right to religious freedom. Religious freedom has been part of the Indonesian constitution since independence in 1945. In 2005 Indonesia ratified the International Covenant on Civil and Political Rights (ICCPR), which provides under article 18(2) that “[n]o one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice,” and under article 27 that “persons belonging to ... minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion.”

The UN Human Rights Committee, the international expert body that monitors state compliance with the ICCPR, stated in its General Comment 22 that it “views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they ... represent religious minorities that may be the subject of hostility on the part of a predominant religious community.”<sup>62</sup> Moreover, the fact that a religion’s followers comprise the majority of the population does not permit “any discrimination against adherents to other religions or non-believers.”<sup>63</sup> In February 2013, the UN’s special rapporteur on freedom of religion or belief, Heiner Bielefeld, warned that elements of a draft Indonesian law on mass organizations “can violate freedom of religion or belief.”<sup>64</sup> Bielefeld, along with the special rapporteurs on freedom of association and expression, urged the government to revise the bill “in line with international human rights norms and standards.”<sup>65</sup>

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<sup>62</sup> Human Rights Committee, General Comment 22, Article 18 (Forty-eighth session, 1993), U.N. Doc. CCPR/C/21/Rev.1/Add.4 (1993), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 155 (2003), para. 2.

<sup>63</sup> *Ibid.*, para. 9.

<sup>64</sup> “Indonesia: ‘Restrictive bill threatens freedoms of association, expression and religion,’ warn UN rights experts,” Office of the High Commissioner for Human Rights, February 14, 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12989&LangID=E> (accessed February 14, 2013). “The Bill on Mass Organizations imposes the requirement on the founding of associations not to be in contradiction with Pancasila - the official State philosophy in Indonesia that consecrates the belief ‘in the One and Only God’. It also stipulates that organizations have the duty to maintain religious values.”

<sup>65</sup> *Ibid.*

In 2004, the Indonesian parliament passed the Autonomy Law which decentralizes many aspects in the administration of the country. It empowers new groups locally, Islamist and otherwise, as well as empowering local officials to act with less regard for what's said in the capital by officials or judges. But on paper, religion is not decentralized. It is one of the six areas where local governments are not given the mandate to regulate: foreign affairs, defense, security, justice, monetary plus fiscal, and religion.<sup>66</sup>

Despite Indonesian legal guarantees of religious freedom, several laws and policies have long undermined the right. Over the last 60 years various legal measures, including the establishment of the Ministry of Religious Affairs in 1946, the 1965 blasphemy law, the 1969 and 2006 house of worship decrees, and other statutes and regulations at national, provincial, and regency levels have facilitated discrimination against minority faiths. This section examines the most significant of those measures.

## The 2000 Constitutional Amendment

Article 29 of Indonesia's Constitution, agreed in 1945, states:

- (1) The state is based on belief in the One and Only God;
- (2) The state guarantees each and every citizen the freedom of religion and of worship in accordance with his religion and belief.<sup>67</sup>

On August 18, 2000, the constitution was amended in ways that in some respects strengthened the principle of religious freedom.<sup>68</sup> Article 28E (2) broadly guarantees the human rights of Indonesian citizens, and specifically addresses religious freedom, stating that "[e]ach person is free to worship and to practice the religion of his choice."

But article 28J (2), also introduced in 2000, sets out legal duties that in practice are being used to curb religious freedom, particularly of religious minorities: In exercising

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<sup>66</sup> See "The 2004 Autonomy Law article 10 (3)"

[http://www.kpu.go.id/dmdocuments/UU\\_32\\_2004\\_Pemerintahan%20Daerah.pdf](http://www.kpu.go.id/dmdocuments/UU_32_2004_Pemerintahan%20Daerah.pdf) (accessed February 2, 2013).

<sup>67</sup> Certified translation of the 1945 Constitution of the Republic of Indonesia,

[http://www.humanrights.asia/countries/indonesia/laws/uud1945\\_en](http://www.humanrights.asia/countries/indonesia/laws/uud1945_en) (accessed December 28, 2011)

<sup>68</sup> The People's Consultative Assembly, The Second Amendment of the Indonesian Constitution, passed on August 18, 2000 and signed by MPR Speaker Amien Rais and seven MPR deputies: Ginandjar Kartasasmita; Sutjipto; Matori Abdul Djalil; Husnie Thamrin; Hari Sabarno; Jusuf Amir Feisal; Nazri Adlani.



his rights and liberties, each person has the duty to accept the limitations determined by law for the sole purposes of guaranteeing the recognition and respect of the rights and liberties of other people and of satisfying a democratic society's just demands based on considerations of morality, religious values, security, and public order.

The latter provision has been and continues to be invoked to demand that religious minorities cater to the demands of the religious majority. By 2010, Indonesia had at least 156 statutes, regulations, decrees, and by-laws that restrict religious freedom, many of them justified by reference to article 28J (2).<sup>69</sup>

Among the most significant legal obstacles to religious freedom in Indonesia are:

- The 1965 blasphemy law, enacted under President Sukarno;
- A joint ministerial decree regarding proselytizing of religion signed by the ministers of religious affairs and home affairs (No. 1/1979), titled “Regulating Missionary and Foreign Aid to Religious Organizations”;
- Child Protection Act No. 23/2002, enacted under President Susilo Bambang Yudhoyono, which includes articles “to protect” the faith of a child even when adopted;
- A joint regulation issued by the ministers of religious affairs and home affairs (No. 8 and No. 9/2006), titled “Guidelines for Regional Heads and Deputies in Maintaining Religious Harmony, Empowering the Religious Harmony Forum, and Constructing Houses of Worship”;
- A joint decree issued by the minister of religious affairs, the attorney general, and minister of home affairs (No. 3/2008) ordering the Ahmadiyah to stop spreading their teachings.<sup>70</sup>

## The 1965 Blasphemy Law

Pressure from Muslim conservatives led to the passage of an overbroad and vague criminal law on blasphemy during Sukarno’s rule. Article 156a of the Indonesian Criminal Code states:

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<sup>69</sup> See Musdah Mulia, “The Problem of Implementation of the Rights of Religious Freedom In Indonesia,” paper submitted to the EU-Indonesia Conference, “Human Rights and Faith in Focus,” held by European Union and Nahdlatul Ulama in Jakarta, October 24-25, 2011. Musdah Mulia is the director of the Indonesian Conference on Religion and Peace.

<sup>70</sup> See Suryadharma Ali, Paper presented at the Work Meeting Minister of Religious Affairs with Commission VIII House of Representatives, Jakarta, February 9, 2011.

Any person who deliberately, in public, expresses feelings or commits an act: which principally has the character of being of hostility, hatred, or contempt against a religion adhered to in Indonesia; with the purpose of preventing a person adhering to any religion based on the belief of the Almighty God shall be punished up to a maximum imprisonment of five years.<sup>71</sup>

This criminal provision was based on a presidential decree issued by President Sukarno on blasphemy, signed on January 27, 1965, responding to requests from Muslim conservatives. The explanation of the decree clarified that the religions “embraced by the people of Indonesia” encompass “Islam, Christianity, Catholicism, Hinduism, Buddhism and Confucianism.” In a later paragraph, it states that, “other religions, for example, Judaism, Zoroastrianism, Shintoism and Taoism, shall be left alone providing that provisions found in this ruling and other laws are not violated.”

A common interpretation of the blasphemy law is that *Indonesia officially recognizes only six religions*. The Constitutional Court has since ruled that this interpretation is incorrect. It ruled that *Indonesia recognizes whatever religions its citizens believe in*. But *it only protects six religions* from blasphemy.<sup>72</sup>

Since 2005, more than a dozen people have been prosecuted for blasphemy including:

- Yusman Roy, a Muslim preacher, sentenced in 2005 by the Malang district court, East Java, to two years’ imprisonment for reciting a Muslim prayer in Indonesian Malay, which, according to the Indonesian Ulama Council, tarnished the purity of the Arabic-language prayer;<sup>73</sup>
- Lia Eden, M. Abdul Rachman, and Wahyu Andito Putro Wibisono, three leaders of a spiritual group called the “Eden Community” in Jakarta, sentenced in 2006 by a

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<sup>71</sup> “Penetapan Presiden Republik Indonesia Nomor 1/Pnps Tahun 1965 tentang Pencegahan Penyalahgunaan dan/atau Penodaan Agama” signed by President Sukarno in Lembaran Negara Republik Indonesia Tahun 1965 Nomor 3. Human Rights Watch unofficial translation of Criminal Code article 156a.

<sup>72</sup> Constitutional Court, “Decision No. 140/PUU-VII/2009,” [http://www.mahkamahkonstitusi.go.id/putusan/putusan\\_sidang\\_Putusan%20PUU%20140\\_Senin%2019%20April%202010.pdf](http://www.mahkamahkonstitusi.go.id/putusan/putusan_sidang_Putusan%20PUU%20140_Senin%2019%20April%202010.pdf) (accessed June 19, 2012).

<sup>73</sup> Duncan Graham, “Yusman Roy: Fighting To Pray In Peace,” *The Jakarta Post*, November 22, 2006.

Jakarta court to prison terms of between two and three years. Lia Eden claimed to have received revelations from the Angel Gabriel;<sup>74</sup>

- Dedi Priadi and Gerry Lufthy Yudistira, father and son, members of Al-Qiyadah Al-Islamiyah sufi sect, sentenced to three years' imprisonment in May 2008 by the Padang court, West Sumatra, for blasphemy.<sup>75</sup>
- Antonius Richmond Bawengan, a preacher and a former Catholic, sentenced in 2011 by the Temanggung district court, Central Java, to five years in prison for distributing a booklet said to desecrate Islam entitled "Three Sponsors, Three Agendas, Three Results" in Kranggan, a small village near Temanggung, in October 2010;<sup>76</sup>
- Alexander An, a Minangkabao civil servant and an administrator of the "Minang Atheist" Facebook group, sentenced in June 2012 by the Sijunjung court, West Sumatra, to 30 months in prison and a fine of 100 million rupiah (US\$11,000) for inciting public unrest via his Facebook page. He was initially charged under the blasphemy law as well as article 28 of the Information and Electronic Transactions Law. The court, however, only used the internet law for the verdict.<sup>77</sup>
- Andreas Guntur, the leader of the spiritual group Amanat Keagungan Ilahi, sentenced to four years' imprisonment in March 2012 by the Klaten court, Central Java, for drawing upon certain verses of the Quran but not abiding by other conventional Islamic teachings. Guntur's group was condemned by the Indonesian Ulama Council, which issued a fatwa against it in 2009.<sup>78</sup>
- Tajul Muluk, a Shia cleric in Sampang, Madura Island, arrested in April 2012, and tried and sentenced to two years in prison in July 2012 by the Sampang court for

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<sup>74</sup> "Court Ruling a Setback for Religious Freedom: Blasphemy Law Puts Religious Minorities at Risk," Human Rights Watch news release, April 10, 2010, <http://www.hrw.org/news/2010/04/19/indonesia-court-ruling-setback-religious-freedom> (accessed December 29, 2011).

<sup>75</sup> "Two former Al-Qiyadah activists get three years for blasphemy," *The Jakarta Post*, May 3, 2008, <http://www.thejakartapost.com/news/2008/05/03/two-former-alqiyadah-activists-get-three-years-blasphemy.html> (accessed June 29, 2012).

<sup>76</sup> "Violence at blasphemy trial in Central Java," *The Jakarta Post*, Feb. 8, 2011, <http://www.thejakartapost.com/news/2011/02/08/violence-blasphemy-trial-central-java.html> (accessed January 3, 2012).

<sup>77</sup> "Prison for 'Minang atheist'", *The Jakarta Post*, June 15, 2012, <http://www.thejakartapost.com/news/2012/06/15/prison-minang-atheist.html> (accessed February 15, 2012); "Atheist civil servant arrested for blasphemy," *The Jakarta Post*, January 20, 2012, <http://www.thejakartapost.com/news/2012/01/20/atheist-civil-servant-arrested-blasphemy.html> (accessed February 15, 2012).

<sup>78</sup> "Spiritual Group Leader Gets 4 Years In Jail for Blasphemy, Plans Appeal," *Jakarta Globe*, March 14, 2012, <http://www.thejakartaglobe.com/news/spiritual-group-leader-gets-4-years-in-jail-for-blasphemy-plans-appeal/504573> (accessed June 19, 2012).

blasphemy.<sup>79</sup> In September 2012, the East Java high court had his sentence changed to four years. He appealed again and the Supreme Court kept the four years punishment in January 2013.<sup>80</sup>

- Sebastian Joe, a Muslim in Ciamis, sentenced to four years imprisonment for blasphemy in November 2012 by the Ciamis court, West Java, for his comments about Islam on his Facebook page. In January 2013, the West Java court changed the sentence to five years, using the Information and Electronic Transactions Law.<sup>81</sup>

In October 2009 activists challenged the blasphemy law at the Constitutional Court. Led by former President Abdurrahman Wahid, the petitioners argued that the law violates the constitutional right to freedom of expression and Indonesia's obligations under international human rights treaties.<sup>82</sup>

Two government ministers called as witnesses, Minister of Religious Affairs Suryadharma Ali and Minister for Law and Human Rights Patrialis Akbar, argued in favor of the law's constitutionality. They said Muslim mobs would probably attack religious minorities if the blasphemy law were overturned, believing it their duty to defend their religion if Islam is being tarnished.<sup>83</sup> Members of Islamist groups attended the Constitutional Court's weekly hearings, and some Islamist members harassed lawyers and witnesses for the petitioners at the court building.<sup>84</sup>

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<sup>79</sup> "Shia Cleric Convicted of Blasphemy," Human Rights Watch news release, July 12, 2012, <http://www.hrw.org/news/2012/07/12/indonesia-shia-cleric-convicted-blasphemy> (accessed July 19, 2012). "Sampang court rejects Shiite cleric's objection," *The Jakarta Post*, May 23, 2012, <http://www.thejakartapost.com/news/2012/05/23/sampang-court-rejects-shiite-cleric-s-objection.html> (accessed June 29, 2012).

<sup>80</sup> "Keadilan di Angan-angan," Kelompok Kerja Advokasi Kebebasan Beragama dan Berkeyakinan, Press Release, January 21, 2013. Copy on file at Human Rights Watch.

<sup>81</sup> "Hukuman Penghina Agama di Facebook Diperberat," *Tempo*, January 23, 2013, <http://www.tempo.co/read/news/2013/01/23/058456441/Hukuman-Penghina-Agama-di-Facebook-Diperberat> (accessed January 25, 2013)

<sup>82</sup> The petitioners included seven Indonesian human rights NGOs: Imparsial, Elsam, Indonesian Legal Aid Association, Demos, Setara Institute, Desantara Foundation, and the Indonesian Legal Aid Foundation; as well as four Muslim intellectuals: Abdurrahman Wahid, Musdah Mulia, Dawam Rahardjo, and Maman Imanul Haq. See "Constitutional Court website, Decision No. 140/PUU-VII/2009," [http://www.mahkamahkonstitusi.go.id/putusan/putusan\\_sidang\\_Putusan%20PUU%20140\\_Senin%2019%20April%202010.pdf](http://www.mahkamahkonstitusi.go.id/putusan/putusan_sidang_Putusan%20PUU%20140_Senin%2019%20April%202010.pdf) (accessed June 19, 2012).

<sup>83</sup> *Ibid.*

<sup>84</sup> Indonesian filmmaker Garin Nugroho, who opposed the blasphemy law, told Kompas newspaper that Islamists stopped his car and rocked it in an attempt to intimidate him. See "Garin Hadir di Sidang MK, Mobilnya Dirusak?" *Kompas*, March 24, 2010 <http://entertainment.kompas.com/read/2010/03/24/14115546/Garin.Hadir.di.Sidang.MK.Mobilnya.Dirusak>. (accessed June 19, 2012).

On April 19, 2010, the court ruled 8 to 1 that the blasphemy law lawfully restricted minority religious beliefs because it allows for the maintenance of “public order.” While the court majority said that religion is a private matter with which the state should not interfere, it upheld the blasphemy law's restrictions, finding that religious minorities could become targets of violence by intolerant members of the public who were not sufficiently educated to support religious pluralism. The court also concluded that the blasphemy law was not about recognizing “official religions” in Indonesia.<sup>85</sup>

In the court’s only dissenting opinion, Judge Maria Farida Indrati argued the blasphemy law should be found unconstitutional because it explicitly discriminates against religious minorities and would force individuals to abandon traditional and minority beliefs against their will.<sup>86</sup>

## Decrees on Houses of Worship

Decrees pronounced in 1969 and 2006 infringe upon the right to freedom of religion by unnecessarily restricting the construction of houses of worship. These regulations have especially been used to discriminate against Christians who seek to build churches. In rare cases, they have also been used in Christian-majority eastern Indonesia against Muslims who seek to build mosques.

Some Muslims in Indonesia have expressed concern with the purported “Christianization” of Indonesia.<sup>87</sup> While the statistics show an increase in Christians as a proportion of the Indonesia population as a whole, as noted above, the increase is small (from 7.4 percent in 1971 to 8.9 percent in 2010). However, an increase in proselytization by some Christian sects, in some instances what has been perceived as aggressive proselytization in traditionally Muslim areas (sometimes with funding from overseas Christian groups), has fueled the debate.

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<sup>85</sup> Constitutional Court website, “Decision No. 140/PUU-VII/2009,” [http://www.mahkamahkonstitusi.go.id/putusan/putusan\\_sidang\\_Putusan%20PUU%20140\\_Senin%2019%20April%202010.pdf](http://www.mahkamahkonstitusi.go.id/putusan/putusan_sidang_Putusan%20PUU%20140_Senin%2019%20April%202010.pdf) (accessed June 19, 2012).

<sup>86</sup> “Court Ruling a Setback for Religious Freedom: Blasphemy Law Puts Religious Minorities at Risk,” Human Rights Watch news release, April 10, 2010, <http://www.hrw.org/news/2010/04/19/indonesia-court-ruling-setback-religious-freedom> (accessed December 29, 2011).

<sup>87</sup> Some Muslims have published extensively about fears of “Christianization” in Indonesia. For instance, a video called “Save Maryam,” [http://www.youtube.com/watch?v=6EgNcbVa4FU&fb\\_source=message](http://www.youtube.com/watch?v=6EgNcbVa4FU&fb_source=message), uploaded in July 2012, contends that “two million Muslims leave Islam every year” in Indonesia to become Christians, though no basis is provided for this claim.

### *1969 Decree on Houses of Worship*

The 1969 decree on building houses of worship was jointly issued by the minister of religious affairs, Mohammad Dahlan, and the minister of home affairs, Amir Machmud.<sup>88</sup> The decree authorizes local governments to require that “a house of worship may only be built with the approval of a regional administrator,” such as the provincial governor. It also states that, “if necessary, the head of the government could ask the opinion of religious organizations and clerics” before a house of worship is built.<sup>89</sup>

Immediately after the decree was enacted, some governors responded by issuing new local regulations that in practice restricted minority religions. For example, the West Java governor required that a new house of worship should have the approval of at least 40 citizens living in the neighborhood, while other governments, mayors, and regents asked the church to get “prior approval” from “religious leaders” in their respective areas.<sup>90</sup> In 1979, in Singkil, southern Aceh, on Sumatra, the local government demanded that Christians sign an agreement to have only one church and four chapels despite there already being 14 churches in the area.<sup>91</sup>

While such regulations ostensibly apply to all religions, in practice they have been used to discriminate against religious minorities. Christians in a number of different regions have faced extensive difficulties in securing church construction permits, including but not exclusively in areas where there has been recent demographic change, such as increased settlement by Christian families in traditionally Muslim areas. In some cases, it has taken between 10 and 20 years to construct a church building. Muslim militants have also used the decree to justify vandalizing and sometimes even burning what they call “illegal churches.”

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<sup>88</sup> Internally, Suharto’s Education and Culture Minister Daoud Joesoef, himself a devout Muslim, protested the 1969 decree. In his 2006 memoir Joesoef wrote of his conversation with Suharto about the decree. He said he told Suharto that the decree is not going to create “religious harmony.” He argued it would be made “a legal platform for sectarian extremists” to repress minorities in Indonesia and would create inequality among Indonesian citizens. Joesoef asked Suharto to cancel the decree. Suharto, however, did not respond to Joesoef’s suggestion. In his memoir, Joesoef regretted that Christian bureaucrats and politicians did not speak up against the decree. See Daoud Joesoef, *Dia Dan Aku: Memoar Pencari Kebenaran* (Jakarta: Kompas, 2006), pp. 743-47.

<sup>89</sup> Surat Keputusan Bersama, “No. 1/Ber/MDN-MAG/1969,” signed on September 13, 1969 by Home Affairs Minister Amir Machmud and Minister of Religious Affairs Mohammad Dahlan.

<sup>90</sup> Weinata Sairin, “SKB 1969 Diskriminatif dan Kontraproduktif, Sinar Harapan, November 27, 2004, <http://kliping.kemenag.go.id/downloads/c1236345bd87f0ff0e0aeffd6c2e238.pdf> (accessed December 29, 2011).

<sup>91</sup> Human Rights Watch interview with Reverend Elson Lingga of a Pakpak Dairi Protestant Christian Church, Singkil, Jakarta, June 7, 2012. Lingga provided Human Rights Watch with the 1979 documents. The Singkil government also prevents the churches from renovating their buildings.

The Communion of Churches in Indonesia, the umbrella organization of Protestant churches, repeatedly asked the government to repeal the 1969 decree. In an effort to overcome the impact of the various regulations based on the 1969 decree, hundreds of Christian congregations in Muslim-dominated islands began to organize their services in private houses.<sup>92</sup> However, in 1975, Minister of Home Affairs Amir Machmud instructed provincial governments by telegram to prohibit the use of “private homes” for religious services, further restricting religious freedom. While the cable lacked legal status, it continues to be enforced today in some areas.<sup>93</sup>

### *2006 Decree on Houses of Worship*

Indonesian presidents since Suharto have tried to address the problems caused by the houses of worship decree, but without success. After taking office in 2004, President Susilo Bambang Yudhoyono met a delegation of Christian leaders and agreed that the construction of houses of worship should not depend on the majority’s wishes. He asked the minister of religious affairs, Maftuh Basyuni, to review the 1969 decree.<sup>94</sup> Maftuh Basyuni appointed Ma'ruf Amin, the head of the fatwa committee of the Indonesian Ulama Council, himself a presidential advisor, to lead a committee to draft the new decree.<sup>95</sup>

In March 2006, Minister Basyuni and Home Minister Mohammad Ma'ruf amended the 1969 decree by issuing Joint Regulation of the Minister of Religious Affairs and Minister of Home Affairs No. 8 and No. 9/2006, “Guidelines for Regional Heads and Deputies in Maintaining Religious Harmony, Empowering Religious Harmony Forums, and Constructing Houses of Worship.” The decree essentially permits regional governments to continue to license the construction of houses of worship.<sup>96</sup>

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<sup>92</sup> Ismatu Ropi, “Regulating worship,” Inside Indonesia, Jan. 8, 2007, <http://www.insideindonesia.org/edition-89-jan-mar-2007/regulating-worship-1407013> (accessed December 31, 2011).

<sup>93</sup> Human Rights Watch interviewed and reviewed documents on four HKBP churches in Bekasi –HKBP Getsemane, Jati Mulya area (Bekasi regency); HKBP Pondok Timur Indah, Ciketing area (Bekasi city); HKBP Kaliabang, (Bekasi city); HKBP Filadelfia, (Bekasi regency)—as well as GKI Yasmin church, Bogor. They all had difficulties organizing Sunday services in their private residences. Government officials, who frequently stopped the services, cited the prohibition on the use of “private homes” for religious activities.

<sup>94</sup> Human Rights Watch interview with Andreas Yewangoe, chairman of the Communion of Churches in Indonesia, Jakarta, June 20, 2012.

<sup>95</sup> Ma'ruf Amin's draft recommended that applicant congregations have at least 100 members and that they obtain the signatures of at least 70 neighbors. See “Draf Surat Keputusan Rumah Ibadah Sudah Kelar,” *Tempo*, February 9, 2006, <http://www.tempo.co.id/hg/nasional/2006/02/09/brk,20060209-73694,id.html> (accessed January 3, 2012).

<sup>96</sup> Joint Regulation of the Minister of Religious Affairs and Minister of Home Affairs No. 8 and No. 9/2006, “Guidelines for Regional Heads and Deputies in Maintaining Religious Harmony, Empowering Religious Harmony Forums, and Constructing Houses of Worship,” March 21, 2006, [http://hukum.unsrat.ac.id/men/menag\\_mendagri\\_2006.pdf](http://hukum.unsrat.ac.id/men/menag_mendagri_2006.pdf) (accessed June 20, 2012).

The decree provides that the construction of houses of worship should be based on “real needs” and “composition of the population” in the area.<sup>97</sup> A permit for constructing a house of worship requires:

- List of names and ID cards of at least 90 people who will use the house of worship. This list should be endorsed by the village head;
- Support letter from at least 60 people living in the area. This support letter should be endorsed by the village head;
- Written recommendation from the local Ministry of Religious Affairs;
- Written recommendation from the local Religious Harmony Forum (Forum Kerukunan Umat Beragama, FKUB).<sup>98</sup>

Local governments are to arrange a “temporary venue” for religious worship if the congregation has met the signature requirements but has not yet received the recommendations.<sup>99</sup> A mayor or a regent should issue a decision within 90 days of the application for a construction permit.<sup>100</sup> A congregation can use an ordinary building as a temporary place of worship with the mayor or regent’s approval.<sup>101</sup>

The decree requires the local government to set up a Religious Harmony Forum in each area.<sup>102</sup> It states that the composition of the local Religious Harmony Forum should mirror the composition of believers in the area, meaning that a Muslim-majority area may have significantly more Muslim members than Christian ones, and vice versa, placing the minority religion at a distinct disadvantage in obtaining a permit.

The Communion of Churches in Indonesia considered the decree more repressive than the 1969 regulation. They dispute the substance of the decree which authorizes local governments to approve or reject house of worship building permits. It also contradicts with the 2004 Autonomy Law. Even so, these Christian leaders felt that, politically, they

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<sup>97</sup> Ibid. art. 13.

<sup>98</sup> Ibid. art. 14.

<sup>99</sup> Ibid. art. 14.

<sup>100</sup> Ibid. art. 16.

<sup>101</sup> Ibid. art. 18.

<sup>102</sup> Ibid. art. 10. A provincial FKUB could have maximal 21 members. A city or a regency could have maximal 17 members.



had no option but to acquiesce and focused their efforts on getting friendlier articles inserted into the decree, including a provision, ultimately included in the decree, calling on the government to provide a temporary place of worship when a congregation is having trouble obtaining a building permit.<sup>103</sup>

Many public officials disregard this 2004 provision on decentralization, creating various decrees and regulations on Islamic groups. In Blitar, East Java, Major Samahudi Anwar demanded six Catholic schools to teach Quranic recital for their Muslim students. When the schools rejected he threatened to close them down. It prompted the Constitutional Court to remind the major that religion is the domain of the central government.<sup>104</sup>

### *2008 Anti-Ahmadiyah Decree*

In July 2005, the Indonesian Ulama Council reissued an edict originally issued in 1980 that states that the Ahmadiyah community deviates from Quranic teaching by claiming that Mirza Ghulam Ahmad was a “prophet.”<sup>105</sup> Following the 2005 edict, Islamist groups mobilized and assaulted the Ahmadiyah theology college in Parung, Bogor regency, West Java, as well as Ahmadiyah communities in East Lombok (Lombok island, West Nusa Tenggara province) and in West Java province (including in Manis Lor, Tasikmalaya, Garut, Ciaruteun, and Sadasari).

On April 16, 2008, Indonesia’s Coordinating Board for Monitoring Mystical Beliefs in Society (Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat, Bakor Pakem), a subdivision of the Attorney General’s Office, recommended banning the Ahmadiyah faith. Moderate Muslim leaders responded by rallying support for the Ahmadiyah, and the principle of freedom of religion.<sup>106</sup>

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<sup>103</sup> Human Rights Watch interview with Andreas Yewangoe, chairman of the Communion of Churches in Indonesia, Jakarta, June 20, 2012.

<sup>104</sup> Indonesian Conference on Religion and Peace, “Inilah Hasil Pertemuan ICRP dengan Mahkamah Konstitusi Terkait Kasus Blitar,” January 29, 2013, <http://icrp-online.org/012013/post-2804.html> (accessed February 2, 2013).

<sup>105</sup> “MUI fatwa No. 11/Munas VII/MUI/15/2005” signed on July 29, 2005 by fatwa commission members Ma’ruf Amin (chairman) and Hasanudin (secretary) as well as by plenary conference members Umar Shihab (chairman) and Din Syamsuddin (secretary).

<sup>106</sup> More than 200 people—including many Muslim scholars, Catholic priests, Protestant preachers, Confucian scholars, Buddhists, Hindus, poets, writers, and human rights campaigners—signed a petition on May 10, 2008, saying the government should protect the Ahmadiyah, not ban the religion. See International Crisis Group, “Indonesia: Implications of the Ahmadiyah Decree,” July 7, 2008, [http://www.crisisgroup.org/~media/Files/asia/south-east-asia/indonesia/b78\\_indonesia\\_\\_\\_implications\\_of\\_the\\_ahmadiyah\\_decree.pdf](http://www.crisisgroup.org/~media/Files/asia/south-east-asia/indonesia/b78_indonesia___implications_of_the_ahmadiyah_decree.pdf) (accessed January 2, 2012).

Adnan Buyung Nasution, a member of the presidential advisory council, tried to block the decree, asking President Yudhoyono not to pass it. “It will set a precedent against other religions if the Ahmadiyah is discriminated against,” said Nasution.<sup>107</sup> According to Nasution, Yudhoyono asked him to meet with then Religious Affairs Minister Maftuh Basyuni, Home Minister Mardiyanto, and Attorney General Hendarman Supanji.<sup>108</sup>

The moderates organized a rally in Jakarta on June 1, 2008, hoping to pressure the government not to ban the Ahmadiyah. But Muslim militants attacked the rally, chasing, punching, kicking, and hitting participants with bamboo and rattan sticks. More than 60 people were injured, some seriously.<sup>109</sup> Police arrested Munarman and Habib Rizieq Shihab of the FPI. In October 2008, the Central Jakarta court found them guilty of “mass beatings” and sentenced them both to 18 months in prison.<sup>110</sup>

On June 9, 2008, Religious Affairs Minister Basyuni, Home Minister Mardiyanto, and Attorney General Supanji signed the decree, ordering the Ahmadiyah community to “stop spreading interpretations and activities which deviate from the principal teachings of Islam,” including “the spreading of the belief that there is another prophet with his own teachings after Prophet Mohammed.” Violations of the decree are subject to up to five years in prison.<sup>111</sup>

The 2008 decree opened the door to provincial governors as well as regents and mayors to write their own anti-Ahmadiyah decrees. Jemaah Ahmadiyah Indonesia, the national Ahmadiyah organization, reported in 2011 that five provinces—Banten, East Java, West Java, West Sumatra, and South Sulawesi—as well as 22 mayoralities and regencies in Indonesia had issued anti-Ahmadiyah regulations.<sup>112</sup>

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<sup>107</sup> Antara, “Wantimpres Upayakan Cegah Keluarnya SKB Penghentian Ahmadiyah,” April 22, 2008, <http://www.antaranews.com/view/?i=1208864066&c=NAS&s=> (accessed June 22, 2012). Adnan Buyung Nasution later wrote a book, Adnan Buyung Nasution, “Nasehat Untuk SBY,” (Jakarta: Kompas, 2012), on his work as a presidential advisor.

<sup>108</sup> Andreas Harsono, “Ahmadiyah, Rechtstaat dan Hak Asasi Manusia,” post to “Andreas Harsono” (blog), February 18, 2010 [http://www.andreasharsono.net/2010/02/ahmadiyah-rechtstaat-dan-hak-asasi\\_18.html](http://www.andreasharsono.net/2010/02/ahmadiyah-rechtstaat-dan-hak-asasi_18.html) (accessed June 22, 2012).

<sup>109</sup> “Indonesia: Reverse Ban on Ahmadiyah Sect,” Human Rights Watch news release June 11, 2008, <http://www.hrw.org/news/2008/06/09/indonesia-reverse-ban-ahmadiyah-sect> (accessed December 3, 2011).

<sup>110</sup> Indosiar, “Insiden Monas: Habib dan Munarman Divonis 1, 5 Tahun,” Oct. 30, 2008, [http://www.indosiar.com/fokus/habib-dan-munarman-divonis-15-tahun\\_76525.html](http://www.indosiar.com/fokus/habib-dan-munarman-divonis-15-tahun_76525.html) (accessed March 3, 2012).

<sup>111</sup> “Indonesia: Reverse Ban on Ahmadiyah Sect,” Human Rights Watch news release, June 10, 2008, <http://www.hrw.org/news/2008/06/09/indonesia-reverse-ban-ahmadiyah-sect> (accessed January 2, 2011).

<sup>112</sup> Human Rights Working Group et. al., “List of Regulation that Prohibit Ahmadiyya Congregation Activity until 2011,” in a report submitted to the UN Human Rights Council for the Universal Periodic Review of Indonesia in Geneva on May 23, 2012. The report was jointly written by Human Rights Working Group, Jakarta Legal Aid Institute, the Institute for Policy Research and Advocacy, Setara Institute, Indonesia Legal Resource Center, Wahid Institute, and the Center for Marginalized Communities Studies.

On February 28, 2011, the provincial government in East Java, which has a population of 35 million, banned Ahmadiyah activities, outlawing the display of their mosque and school signs, and their use of “electronic media” to extend their teachings. On March 3, Ahmad Heryawan, the governor of West Java, Indonesia's most populous province, with 36 million people, also banned Ahmadiyah activities.<sup>113</sup> On March 24, West Sumatra Governor Irwan Prayitno prohibited some Ahmadiyah activities including spreading their faith via billboards, oral statements, written materials, and electronic media.<sup>114</sup>

In March, Nasution wrote to Home Affairs Minister Gamawan Fauzi, calling on local leaders to revoke their decrees: “Religious affairs is the domain of the central government. It's not the domain of the local governments.”<sup>115</sup> Fauzi rejected the plea, saying that the local decrees did not contradict the national regulation.<sup>116</sup>

Indonesian officials justify the decree by saying it helps prevent further anti-Ahmadiyah violence. A Ministry of Religious Affairs study argues that the destruction of Ahmadiyah mosques has taken place in “many parts of the country” such as Medan (1964), Cianjur (1968), Kuningan (1969), West Nusa Tenggara (1976), Central Kalimantan, South Sulawesi, West Kalimantan, Surabaya, and Parung in Bogor (1981). As the study concluded: “These incidents of conflict show that the problem of law and order has been there for quite some time.”<sup>117</sup>

But violence against the Ahmadiyah has in fact sharply increased since the issuance of the decree. According to the Jakarta-based Setara Institute, violence rose from three reported incidents in 2006 to 50 in 2010 and 114 in 2011.<sup>118</sup>

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<sup>113</sup> “Indonesia: Revoke Provincial Decrees to Ban a Faith,” Human Rights Watch news release, March 15, 2011, <http://www.hrw.org/news/2011/03/15/indonesia-revoke-provincial-decrees-ban-faith> (accessed June 22, 2012).

<sup>114</sup> West Sumatra Governor regulation No. 17/2011 signed by Irwan Prayitno on March 24, 2011.

<sup>115</sup> “Buyung Minta Presiden Tegur Daerah yang Larang Ahmadiyah,” Tempo, March 8, 2011, <http://www.tempo.co/read/news/2011/03/08/173318526/Buyung-Minta-Presiden-Tegur-Daerah-yang-Larang-Ahmadiyah> (accessed June 22, 2012).

<sup>116</sup> Suara Islam, “Gamawan Fauzi: SK Pelarangan Aktivitas Ahmadiyah Tidak Menyimpang,” March 8, 2011, <http://www.suara-islam.com/news/berita/nasional/2104-gamawan-fauzi-sk-pelarangan-aktivitas-ahmadiyah-tidak-menyimpang> (accessed June 22, 2012).

<sup>117</sup> Ministry of Religious Affairs, *The Policy of the Government on the Issue of Ahmadiyah in Indonesia*, (Jakarta: 2011.) The 44-page booklet contains the 2008 decree and a joint circular on the implementation of the decree. Prof. Atho Mudzhar, the head of the Office of Research, Development and Training at the Ministry of Religious Affairs, wrote the preface.

<sup>118</sup> Setara Institute, “Reports on Freedom of Religion and Belief 2007-2011,” <http://www.setara-institute.org/en/category/galleries/indicators> (accessed July 19, 2012). See also “Indonesia: Revoke Decree Against

## Religious Harmony Bill

In October 2011, Coordinating Minister for People's Welfare Agung Laksono, Minister of Religious Affairs Suryadharma Ali, and Minister of Home Affairs Gamawan Fauzi submitted a bill on religious harmony to Indonesia's lower house of Parliament, the House of Representatives.<sup>119</sup> The proposed law would regulate religious issues such as proselytization, celebration of religious holidays, construction of houses of worship, funerals and religious education. It emphasizes the responsibilities of religious minorities to protect "religious harmony."

Religious freedom advocates have opposed the bill on the ground that it would legitimize existing discriminatory regulations including the 1965 blasphemy law, the 2006 ministerial decree on building houses of worship, the 2008 anti-Ahmadiyah decree, and articles in the Child Protection Act.<sup>120</sup>

## Religious Institutions in Indonesia

In addition to the various laws and policies that restrict religious freedom, various governmental and quasi-governmental institutions have played a key role in promoting a Sunni Islamic identity in Indonesia at the expense of minority religions.

### *Ministry of Religious Affairs*

In the early 20<sup>th</sup> century, during Dutch rule, Muslims in Indonesia lobbied to establish an office of Islamic affairs to provide religious education through state-owned *madrasahs*, to provide religious guidance and information, to organize the hajj pilgrimage management to Mecca, and to organize an Islamic court on such matters as marriage, divorce, and inheritance.<sup>121</sup>

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Religious Minority," Human Rights Watch news release, February 7, 2011, <http://www.hrw.org/news/2011/02/07/indonesia-revoke-decree-against-religious-minority> (accessed January 2, 2012).

<sup>119</sup> Ulma Haryanto and Anita Rachman, "Debate Over Indonesian Religion Bill Heats Up," *Jakarta Globe*, October 24, 2011, <http://www.thejakartaglobe.com/home/debate-over-indonesian-religion-bill-heats-up/473591> (accessed March 3, 2012).

<sup>120</sup> Rumadi Ahmad of the Wahid Institute said the focus on "religious harmony" is a threat to religious minorities. "It would be better if the government were to propose a bill on religious freedom," (A statement at in a Wahid Institute press conference, in Jakarta, December 29, 2011). Nathan Setiabudi, who chaired the Communion of Churches in Indonesia in 2000-2005, said that by emphasizing "religious harmony" the bill would provide a pretext for law enforcement agencies to pressure religious minorities to stop religious practices that might infuriate the majority (Human Rights Watch interview with Nathan Setiabudi, Jakarta, June 22, 2012).

<sup>121</sup> In 1978, Deliar Noer, a Muslim scholar, argued that Christians do not feel any need for such a ministry because they have their own organizations, e.g., the Communion of Churches in Indonesia and the Bishops' Conference of Indonesia (Konferensi Waligereja Indonesia, KWI). "Protestants and Catholics in Indonesia have received substantial support from

The Ministry of Religious Affairs was set up in 1946, and while many of its programs are tailored towards Islam, it is a multi-religious office. The ministry is currently divided into seven directorates.<sup>122</sup> Three directorates exclusively deal with Muslims: Islamic affairs, hajj management, and Islamic education. The others address Protestant affairs, Catholic affairs, Hindu affairs, and Buddhist affairs, respectively.<sup>123</sup>

The Ministry of Religious Affairs now has branches in every province and regency and a budget of IDR37.3 trillion (US\$4.1 billion) for 2011-2012.<sup>124</sup> This is the fourth largest among government agencies after the Ministry of Defense (IDR64.4 trillion), the Ministry of Public Works (IDR61.2 trillion), and the Ministry of Education (IDR57.8 trillion). The Ministry of Religious Affairs' budget is larger than that of the National Police or the Ministry of Health. The ministry also controls the allocation of funds from the annual hajj pilgrimage (IDR32 trillion in 2010). If both sources of funds are combined, the Ministry of Religious Affairs controls more funds than any other government agency in Indonesia.

In 2010 the Ministry of Religious Affairs employed approximately 230,000 staff, increasing 15 percent from 200,000 in 2007. It owns 1675 Islamic primary schools, 1418 middle schools, 748 high schools, and 20 universities.<sup>125</sup>

President Susilo Bambang Yudhoyono appointed Suryadharma Ali, the chairman of the Muslim-based United Development Party, part of the ruling coalition, to be the minister of religious affairs in October 2009.<sup>126</sup>

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abroad and foreign missions also have direct access to Indonesian territories. ... Only the Muslims felt the need for such a ministry," he wrote. See Deliar Noer, *Administration of Islam in Indonesia* (Jakarta: Equinox, 2010) p. 23.

<sup>122</sup> During President Suharto's rule, the Ministry of Religious Affairs was at times headed by respected scholars including Mukti Ali (1973-1978), Munawir Sjadzali (1988-1993), and Quraish Shihab (1998). They did not produce discriminatory regulations and focused on conducting research on religious life in Indonesia. Many of these scholars have left the ministry over the last decade. In 2002, Komaruddin Hidayat of the Jakarta Islamic University wrote that the Ministry of Religious Affairs should be changed from a "sectarian institution," which favors Muslims, to an institution that treats all faiths equally. Djohan Effendi, who used to head the research division at the ministry, said. "The ministry has become a state within a state. It pretends to be able to deal with many things but it has miserably failed." See Luthfi Assyaukanie, *Ideologi Islam Dan Utopia: Tiga Model Negara Demokrasi Di Indonesia* (Jakarta: Freedom Institute, 2011).

<sup>123</sup> The Ministry of Religious Affairs website details the ministry structure and directorates: Ministry of Religious Affairs, Website. <http://kemenag.go.id/> (accessed March 3, 2012).

<sup>124</sup> "Ini 7 Kementerian dan Lembaga dengan Alokasi Anggaran Terbesar," *Metro TV*, August 16, 2011, <http://metrotvnews.com/read/newsvideo/2011/08/16/134207/Ini-7-Kementerian-dan-Lembaga-dengan-Alokasi-Anggaran-Terbesar> (accessed June 23, 2012).

<sup>125</sup> Ministry of Religious Affairs, *Kemenag dalam Angka*, 2011, <http://kemenag.go.id/file/dokumen/KEMENAGDALAMANGKAupload.pdf> (accessed March 3, 2012).

In June 2012, the Corruption Eradication Commission announced an investigation into the Islamic Education Directorate General within the Ministry of Religious Affairs. Officials at the directorate and a parliament member allegedly misappropriated funds set aside for purchasing Qurans in 2010 and 2011.<sup>127</sup>

The Ministry of Religious Affairs plays a key role in government policies on religion, and has taken a strong stance against religious organizations it deems to be heretical. In 1952, the ministry set up a body, the precursor of Bakor Pakem, to monitor and to ban several spiritual movements and native faiths. The ministry also wrote the 1969 and 2006 decrees on building houses of worship. In 2011, Suryadharma Ali helped mobilize anti-Ahmadiyah campaigns in Indonesia by repeatedly calling Ahmadiyah practices blasphemy against Islam and asking the Yudhoyono government to ban the Ahmadiyah. In 2011, the ministry's East Java office was involved in supporting an MUI anti-Shia edict.<sup>128</sup>

Suryadharma Ali has been outspoken against religious minorities, saying that the government should ban Ahmadiyah and Shia. In March 2011, he said of the Ahmadiyah: "We have two options: to let them live or to totally ban them.... We have to ban the Ahmadiyah. It is obvious that Ahmadiyah is against Islam."<sup>129</sup> In January 2012, after a meeting with parliamentarians, Suryadharma Ali publicly stated that the Shia faith is "against Islam."<sup>130</sup>

The ministry is also influential in advising police and prosecutors to take legal action against individuals it deems to have insulted Islam. It was involved in practically all prosecutions against religious minorities in Indonesia in the last decade. In Sampang, on Madura island, in October 2009, the ministry was involved in pressuring a Shia cleric to

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<sup>126</sup> Presiden Republik Indonesia, "Kabinet Indonesia Bersatu II," <http://www.presidenri.go.id/index.php/statik/kabinet.html> (accessed January 25, 2013).

<sup>127</sup> "KPK probes graft in Koran procurement," *The Jakarta Post*, June 21, 2012, <http://www.thejakartapost.com/news/2012/06/21/kpk-probes-graft-koran-procurement.html> (accessed June 22, 2012).

<sup>128</sup> East Java Office of the Ministry of Religious Affairs, "Silaturahmi Ulama dan Umara Menyikapi Masalah Syiah," April, 2012, <http://jatim.kemenag.go.id/file/file/mimbar307/pyca1336000319.pdf> (accessed January 25, 2013).

<sup>129</sup> "Suryadharma Ali: Ahmadiyah Lebih Baik Dibubarkan, Daripada Dibiarkan," *Republika*, March 19, 2011, <http://www.republika.co.id/berita/breaking-news/nasional/11/03/19/170812-suryadharma-ali-ahmadiyah-lebih-baik-dibubarkan-daripada-dibiarkan> (accessed July 20, 2012).

<sup>130</sup> "Menag Tegaskan Syiah Bertentangan dengan Islam," *Media Indonesia*, January 25, 2012, <http://www.mediaindonesia.com/read/2012/01/25/293947/293/14/Menag-Tegaskan-Syiah-Bertentangan-dengan-Islam> (accessed January 26, 2012).

stop Shia activities in his village.<sup>131</sup> Halim Toha, the head of the Ministry of Religious Affairs in Sampang, led the eviction of displaced Shia members from a stadium where they had settled temporarily after running away from their burned hamlet.<sup>132</sup> In Dharmasraya town, West Sumatra, in early 2012, the ministry was involved in the trial of an atheist.<sup>133</sup>

### *Bakor Pakem*

The Coordinating Board for Monitoring Mystical Beliefs in Society (Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat, Bakor Pakem) is a coordinating body under Indonesia's Attorney General's Office with branches in every province and regency under local prosecutors' offices. According to the 2004 Public Prosecution Service Law, the Attorney General has the responsibility to provide "oversight in respect of religious beliefs that could endanger society and the state."<sup>134</sup> Bakor Pakem traditionally sits under the intelligence division of the public prosecution office.

The Ministry of Religious Affairs first established a body to monitor mystical beliefs in 1952. The 1961 Public Prosecution Law authorizes the Attorney General's Office to host this monitoring body, thus creating Bakor Pakem. It works closely with the Ministry of Religious Affairs, the police, the military, and local governments.<sup>135</sup>

Bakor Pakem is extremely influential when it comes to pressing the government to ban religious communities. Bakor Pakem recommended the banning of Al Qiyadah Al Islamiyah sect on November 7, 2007, and in two days, the Attorney General's Office banned the sect. Bakor Pakem recommended the banning of the Ahmadiyah in April 2008. Two months later, Ahmadiyah religious propagation activities were banned.<sup>136</sup>

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<sup>131</sup> An October 26, 2009 statement was signed by Shia cleric Tajul Muluk with signing "witnesses" includes the Sampang office of the Minister of Religious Affairs.

<sup>132</sup> Syiah Sampang, "Muslim Syiah Sampang Dipulangkan Paksa," Youtube video about the January 13, 2012 eviction, <http://www.youtube.com/watch?v=519BvWqwl1A> (accessed Jan. 25, 2012).

<sup>133</sup> Human Rights Watch interview with Alexander An, Sijunjung prison, April 9, 2012.

<sup>134</sup> Attorney General Office, Annual Report 2011: Public Prosecution Service of the Republic of Indonesia, January, 2012.

<sup>135</sup> Uli Parulian Sihombing, *Menggugat Bakor Pakem: kajian hukum terhadap pengawasan agama dan kepercayaan di Indonesia* (Jakarta: Indonesian Legal Resource Center) 2008.

<sup>136</sup> *Ibid.* p. iii.

In the last three decades, various Bakor Pakem offices have called for the banning of more than 30 religions, ranging from native faiths like the Agama Djawa Sunda (1964) to international religions like the Jehovah's Witness (1976).

Under the Yudhoyono administration, Bakor Pakem has played an active role in the prosecution of religious figures it considers to be committing blasphemy. Bakor Pakem in Sampang regency, on Madura, recommended to the Attorney General's Office that the Shia faith should be banned in Indonesia. It also organized the prosecution of Shia cleric Tajul Muluk.<sup>137</sup> In Cianjur, Bakor Pakem was involved in the prosecution of Hasan Suwandi, an Ahmadiyah mosque guard, on charges of criminal defamation against a police officer in his neighborhood.<sup>138</sup> In Dharmasraya, West Sumatra, Bakor Pakem led the prosecution of alleged atheist Alexander An.<sup>139</sup>

Asfinawati Ajub, a human rights lawyer in Malang, East Java, who represents Tajul Muluk, has questioned the authority of Bakor Pakem, noting that the 2004 Public Prosecution Law does not specifically authorize the creation of such a body. The law only stipulates that public prosecutors have "preventive and educational" authority when dealing with certain mystical beliefs which might "endanger the people and the state."<sup>140</sup>

### *Indonesian Ulama Council (Majelis Ulama Indonesia, MUI)*

The Indonesian Ulama Council (Majelis Ulama Indonesia, MUI) is Indonesia's top Muslim clerical body. It has an advisory council and an executive body with 12 commissions. MUI is a quasi-government agency that issues fatwas and helps shape government policy in Islamic matters. The MUI is partly funded via the Ministry of Religious Affairs or through provincial and local government budgets, but it is not audited by state auditing bodies. It has hundreds of offices throughout Indonesia.<sup>141</sup>

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<sup>137</sup> "Report of the Meeting of Bakor Pakem in Sampang Regency on January 4, 2012" signed by Sampang chief prosecutor Danang Purwoko Adji Susesno.

<sup>138</sup> Human Rights Watch interview with Achmad Suprijatna, the police spokesman, Cianjur, April 15, 2012.

<sup>139</sup> Human Rights Watch interview with Ibrahim Khalil, a prosecutor of Alexander An, Sijunjung, April 9, 2012. Khalil is also the chief intelligence of the Dharmasraya prosecutor office in Pulau Punjung, the capital of Dharmasraya regency. He also heads the Bakor Pakem office.

<sup>140</sup> Human Rights Watch interview with Asfinawati Ajub, Jakarta, January 29, 2013.

<sup>141</sup> MUI has a sprawling network that makes it difficult to know its actual financial situation. It differs from one province to another, and from one regency to another. In an interview, Abdussomad Bukhori, the chairman of East Java MUI, said that MUI leaders only receive an "honorarium" and they expect no pay. See Hidayatullah, "Jadi Ketum MUI Karena Panggilan Nurani," April 21, 2011 <http://hidayatullah.com/read/16539/21/04/2011/jadi-ketum-mui-karena-panggilan-nurani.html> (accessed June 22, 2012). Syibli E.



Its central board in Jakarta consists of 273 individuals, including various representatives of Muslim organizations, four cabinet members, politicians, retired generals, academics, businessmen, a novelist, a movie star, a model, and members of Islamist groups. The board includes representatives of every Islamic organization in Indonesia, thus providing a forum for the growing numbers of hardline Islamist groups.<sup>142</sup> Its chairman usually comes either from Muhammadiyah or the Nahdlatul Ulama (NU).

The council is composed of various Muslim groups, ranging from older organizations such as the Muhammadiyah, the NU, and Persatuan Islam, to newer ones, such as the Majelis Mujahidin Indonesia, Hizbut Tahrir Indonesia, and the FPI. Historically, the MUI has refused to have Shia and Ahmadiyah members, and has subsequently declared both groups heretical. There is no fixed procedure on how an individual can join the MUI. It has no institutional oversight although some Muslim organizations have at times criticized the MUI if they believed the council was not meeting their expectations.

The Indonesian military set up the first ulama council in West Java in July 1958, with similar councils established in regencies and districts throughout the province. The purpose of those councils, according to Col. R.A. Kosasih of the Siliwangi military command, was “to stabilize” West Java against the Darul Islam activities.<sup>143</sup> It was soon copied in other islands with similar movements, including West Sumatra, South Sulawesi and Aceh, where Muslim fighters also tried to set up Islamic states.

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Sarjaya, the secretary of the Banten MUI, said that without government funding it might not operate properly. See Okezone, “KH Syibli: Tanpa Hibah, MUI Berjalan Terseok-seok,” September 22, 2011, <http://news.okezone.com/read/2011/09/22/337/505983/kh-syibli-tanpa-hibah-mui-berjalan-terseok-seok> (accessed June 23, 2012). In Siak regency, Riau province, the government helps each district with IDR 5 million (around US\$600) to help pay preachers during the Ramadan fasting month. See Hallo Riau, “Bantuan MUI, Setiap Kecamatan Rp5 Juta,” July 26, 2011, <http://www.halloriau.com/read-otonomi-12833-2011-07-26-bantuan-mui-setiap-kecamatan-rp5-juta-.html> (accessed June 23, 2012).

<sup>142</sup> There are four cabinet members on the MUI board: Minister of Religious Affairs Suryadharma Ali (also the chairman of the United Development Party); Coordinating Minister for Economic Affairs Hatta Rajasa (also the chairman of the National Mandate Party and an in-law to President Susilo Bambang Yudhoyono); Minister for National Education Muhammad Nuh; and Minister for Social Affairs Salim Segaf al-Jufri. Indonesia’s best-selling novelist Andrea Hirata also sits on the MUI’s Islamic art and culture commission along with movie star Yenny Rahman, comedian Cici Tegal, and model Ratih Sanggarwati. See MUI, “Susunan Pengurus MUI Pusat,” website. May 8, 2009, [http://www.mui.or.id/index.php?option=com\\_content&view=article&id=52&Itemid=54](http://www.mui.or.id/index.php?option=com_content&view=article&id=52&Itemid=54) (accessed June 23, 2012).

<sup>143</sup> Serba Sejarah, “Peran Ulama Djawa Barat dalam Operasi Pagar Betis,” post to “Serba Sejarah” (blog), June 11, 2010, <http://serbasejarah.wordpress.com/2010/06/11/peran-ulama-djawa-barat-dalam-operasi-pagar-betis/> (accessed Dec. 27, 2011); Pondok Pesantren Al-Jawami, “Mama Sudja’l,” post to untitled blog, March 27, 2009, <http://ponpes-sindangsari-aljawami.blogspot.com/2009/03/mama-sudjai.html> (accessed December 27, 2011).

The MUI as a national institution was established in 1975 under President Suharto to be a bridge between Muslim leaders and the state. Its main activities were to issue fatwas, strengthen Muslim brotherhood, represent Muslims in meetings with other religious organizations, and act a liaison between ulamas (clerics) and government officials.<sup>144</sup>

The MUI's remit began expanding in the closing years of the Suharto regime, the MUI issuing fatwas on a variety of issues including halal certification, Islamic Sharia-based bank monitoring and supervision, Sharia finance mediation, and environmental issues.<sup>145</sup> In July 2005 it issued a number of fatwas against pluralism, secularism, liberalism, interfaith prayer, interfaith marriage, and all alternative interpretations of religious texts.<sup>146</sup> President Susilo Bambang Yudhoyono gave the MUI implicit endorsement by opening the 2005 MUI congress, suggesting that his administration would work closely with it.<sup>147</sup>

Its fatwas are sometimes used as a basis for changes of law or policy in Indonesia. The Ministry of Religious Affairs works very closely with the MUI. When suggesting the ban of Ahmadiyah, Minister of Religious Affairs Suryadharma Ali, himself an MUI advisory board member, referred to an MUI fatwa in declaring Ahmadiyah heretical.<sup>148</sup> At the same time, the MUI has also pressured the government to ban the Ahmadiyah outright, saying that a fatwa is not sufficient.<sup>149</sup>

In July 2005, the MUI reissued a 1980 fatwa against the Ahmadiyah, declaring it to be a deviant sect, heretical, and dangerous. The July 2005 fatwa said that the government

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<sup>144</sup> Deliar Noer, *Administration of Islam in Indonesia* (Jakarta: Equinox, 2010) p. 81-90.

<sup>145</sup> MUI, "Lembaga-lembaga MUI,"

website: [http://www.mui.or.id/index.php?option=com\\_wrapper&view=wrapper&Itemid=80](http://www.mui.or.id/index.php?option=com_wrapper&view=wrapper&Itemid=80) (accessed June 23, 2012).

<sup>146</sup> Jeremy Menchik, "Illiberal but not intolerant: Understanding the Indonesian Council of Ulamas," *Inside Indonesia*, November 26, 2007.

<sup>147</sup> Susilo Bambang Yudhoyono, Presidential Speech when Opening the MUI National Congress, July 26, 2005, <http://www.presidentri.go.id/index.php/pidato/2005/07/26/370.html> (accessed January 25, 2013).

<sup>148</sup> "Suryadharma Ali: Ahmadiyah Lebih Baik Dibubarkan, Daripada Dibiarkan," *Republika*, March 19, 2011, <http://www.republika.co.id/berita/breaking-news/nasional/11/03/19/170812-suryadharma-ali-ahmadiyah-lebih-baik-dibubarkan-daripada-dibiarkan> (accessed June 23, 2012).

<sup>149</sup> MUI, "Diperlukan Peraturan Daerah (Perda), Fatwa MUI Tak Cukup Tangani Masalah Ahmadiyah," website. February 28, 2011, [http://www.mui.or.id/index.php?option=com\\_content&view=article&id=416:diperlukan-peraturan-daerah-perda-fatwa-mui-tak-cukup-tangani-masalah-ahmadiyah&catid=1:berita-singkat&Itemid=50](http://www.mui.or.id/index.php?option=com_content&view=article&id=416:diperlukan-peraturan-daerah-perda-fatwa-mui-tak-cukup-tangani-masalah-ahmadiyah&catid=1:berita-singkat&Itemid=50) (accessed June 23, 2012).

was obliged to prohibit the spread of Ahmadiyah teaching, ban the organization, and close all of its buildings.<sup>150</sup>

Amidhan, a MUI deputy chairman and a retired Ministry of Religious Affairs official, insisted that the MUI “rejects the use of violence” and “supports pluralism”:

If pluralism looks like all religions are the same then it is not good. MUI respects religious freedom. The meaning of pluralism in MUI is that all religions are not as good as others.... We don't compromise our religion. If someone insults our religion then violence emerges.<sup>151</sup>

Local MUIs have pushed for national fatwas by issuing their own at the provincial or regency level. For instance, in September 2007, the MUI in West Sumatra issued a fatwa against the Al Qiyadah Al Islamiyah sect. Their local fatwa eventually reach the national MUI, which ended with the ban on Al Qiyadah in 2007.<sup>152</sup> On January 2, 2012, the local MUI office in Sampang regency issued an anti-Shia fatwa.<sup>153</sup> The provincial East Java MUI followed it on January 21, 2012, asking the national MUI to declare the Shia religion heretical and recommending that the Indonesian government act against the spread of Shia teachings.<sup>154</sup>

The MUI has also issued fatwas against most of those who end up being prosecuted under the blasphemy law.<sup>155</sup> MUI clerics issue fatwas first and later contact the police via the Bakor Pakem channel. These various fatwas precede the blasphemy prosecutions and are quoted as evidence in blasphemy trials.

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<sup>150</sup> MUI fatwa No. 11/Munas VII/MUI/15/2005 signed on July 29, 2005 by MUI's fatwa commission members Ma'ruf Amin (chairman) and Hasanudin (secretary) as well as by plenary conference members Umar Shihab (chairman) and Din Syamsuddin (secretary).

<sup>151</sup> Human Rights Watch interview with Amidhan of the Indonesian Ulema Council, Jakarta, September 17, 2011.

<sup>152</sup> Uli Parulian Sihombing, *Menggugat Bakor Pakem: kajian hukum terhadap pengawasan agama dan kepercayaan di Indonesia* (Jakarta: Indonesian Legal Resource Center, 2008), pp. 37-38.

<sup>153</sup> “MUI Sampang Keluarkan Fatwa Sesat Syiah yang Dibawa Tajul Muluk,” *Hidayatullah*, January 3, 2012, <http://www.hidayatullah.com/read/20493/03/01/2012/mui-sampang-keluarkan-fatwa-sesat-syiah-yang-dibawa-tajul-muluk.html> (accessed June 23, 2012).

<sup>154</sup> MUI East Java, “Fatwa No. Kep-01/SKF-MUI/JTM/I/2012,” signed on January 21, 2012 by chairman KH. Abdusshomad Buchori and secretary Imam Tabroni.

<sup>155</sup> They included: Yusman Roy, a Muslim preacher reciting a Muslim prayer in Indonesian Malay; Lia Eden, M. Abdul Rachman, and Wahyu Andito Putro Wibisono, three leaders of a spiritual group named the “Eden Community” in Jakarta, who declared that Lia Eden had received revelations from the Angel Gabriel; Andreas Guntur, the leader of the spiritual group Amanat Keagungan Ilahi, for drawing upon certain verses of the Quran but not abiding to other conventional Islamic teachings; Dedi Priadi and Gerry Lufthy Yudistira, father and son, for joining the Al-Qiyadah sufi sect in Padang court, West Sumatra; and Tajul Muluk, a Shia cleric in Sampang, Madura island.

Some MUI offices, especially in Muslim-majority areas, also have opposed Christians opening new churches. In Bekasi regency, MUI chairman Sulaiman Zachawerus reportedly warned his Muslim audience about Bekasi being “the target of Christianization.”<sup>156</sup> Zachawerus was involved in preventing HKBP Filadelfia (Batak Protestant Christian Church or Huria Kristen Batak Protestan), a Batak Christian congregation in Bekasi, from building their church despite a Supreme Court ruling ordering the Bekasi regent to issue a building permit.<sup>157</sup>

The national MUI also opposed the construction of GKI Yasmin (an Indonesian Christian Church in the Jasmine Garden housing complex, or Gereja Kristen Indonesia Taman Yasmin) in Bogor, a Jakarta suburb, even though the Supreme Court had ordered the Bogor government to reopen the church. The national MUI has supported the Bogor mayor in defying the Supreme Court decision.<sup>158</sup>

### *Religious Harmony Forum*

The 2006 decree on houses of worship states that government leaders in *all provinces, cities, and regencies* should establish Religious Harmony Forums (Forum Kerukunan Umat Beragama, FKUB). Comprised of local religious leaders, these “consultative forums” advise the governor, the mayor, or the regent on the construction of houses of worship.

Governors, regents, and mayors decide who will be FKUB members and up to 21 members may sit in the forum.<sup>159</sup> Members of minority religions such as Christian, Hindus, and Buddhists are guaranteed at least one representative on these forums pursuant to a 2006 decree.<sup>160</sup> However, the FKUB have compounded the social and political marginalization of Shia and Ahmadiyah groups by regularly failing to include any of their

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<sup>156</sup> Dakta, “Semalam Bersama Dewan Dakwah, Bekasi Jadi Sasaran Pemurtadan,” December 26, 2011, <http://www.dakta.com/berita/lintas-megapolitan/17572/semalam-bersama-dewan-dakwah-bekasi-jadi-sasaran-pemurtadan.html/> (accessed June 21, 2012).

<sup>157</sup> Bekasi Raya, “FKUB: Bupati Bekasi Dilema Cabut Izin Gereja Filadelfia,” June 3, 2012, <http://bekasiraya.com/berita-730-fkub--bupati-bekasi-dilema-cabut-izin-gereja-filadelfia.html> (accessed June 23, 2012).

<sup>158</sup> “Walikota Bogor: Saya Terima 3 Karung Surat,” *Vivanews*, November 15, 2012, <http://metro.vivanews.com/news/read/264289-walikota-bogor--saya-terima-3-karung-surat> (accessed June 25, 2012).

<sup>159</sup> Article 10 states that the FKUB could have a maximum of 17 individuals in a regency/mayoralty and a maximum of 21 individuals in a province.

<sup>160</sup> The 2006 Art.10 (2).

representatives.<sup>161</sup> The Ministry of Religious Affairs coordinates the FKUB offices via its Center of Religious Harmony.<sup>162</sup>

In West Java, both the FKUB and Ministry of Religious Affairs have made it difficult for minorities to build their houses of worship. In Bekasi regency, for instance, the 17-member FKUB has 12 Muslims, 2 Christians, 1 Hindu, 1 Buddhist, and 1 Confucian.<sup>163</sup> The presence of more conservative Muslim members has played a role in preventing HKBP Filadelfia, a Batak church, from obtaining an FKUB recommendation to build their church.<sup>164</sup>

On February 12, 2012, the FKUB in Bekasi city played an active part in the closure of three churches in a single day: the Indonesian Church of Christ Loving (Gereja Kristus Rahmani Indonesia, GKRI), HKBP Kaliabang, and the Pentecost Church.<sup>165</sup> In Parung, Bogor regency, the FKUB has refused to issue a recommendation to authorize a Catholic church to be built despite it meeting the criteria of the 2006 decree.<sup>166</sup>

In Manado, North Sulawesi, a Christian-dominated area, Ulyas Taha, the deputy secretary of FKUB and himself a Muslim, said it was working without any serious problems. It was established in 2009 and has since received 10 applications to build six new churches and four new mosques. “We passed them all. ... [I]n some cases, we asked them to complete the application requests. But all those 10 are recommended.”<sup>167</sup>

In Central Java, Aloys Budi Purnomo, a Catholic priest who heads the Commission for Inter-Religious Affairs of the Diocese of Semarang and advises Catholics in FKUB offices, said that on average two Catholics sit in each FKUB office in most of Central Java’s urban centers such as Semarang, Kendal, Pati, Kudus, Solo, Boyolali, Wonogiri, and Salatiga. “It’s good that Catholics now have representatives involved in deciding on the

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<sup>161</sup> During the search period, August 2011 until December 2012, Human Rights Watch made calls to members of 10 FKUB offices in North Sumatra, Riau, West Java, Jakarta, Central Java, and West Nusa Tenggara. None of them have either Ahmadiyah or Shia members.

<sup>162</sup> Pusat Kerukunan Umat Beragama website: <http://pkub.kemenag.go.id/>

<sup>163</sup> Human Rights Watch interview with Palti Panjaitan of HKBP Filadelfia, Bekasi, June 21, 2012.

<sup>164</sup> Human Rights Watch interview with Palti Panjaitan, HKBP Filadelfia, Bekasi, Sept. 12, 2011.

<sup>165</sup> “Tiga Gereja di Bekasi Disegel,” *Metro TV*, February 11, 2012, <http://metrotvnews.com/read/news/2012/02/11/81585/Tiga-Gereja-di-Bekasi-Disegel/6> (accessed March 3, 2012).

<sup>166</sup> Human Rights Watch group interview with Alexander A.M., Hendrikus M. Hena, and Alfonsus Sutarno of St. Parung-based Johannes Baptista congregation, Depok, southern Jakarta, September 12, 2011.

<sup>167</sup> Human Rights Watch phone interview with Ulyas Taha, Manado, June 25, 2012.

construction of houses of worship,” he said, noting that problems only arise when FKUB members have to vote on an issue: “The minorities obviously lose the voting.”<sup>168</sup>

Andreas Yewangoe, the chairman of the Communion of Churches in Indonesia, praised FKUBs in Central Java, “They’re really trying to promote religious tolerance.”<sup>169</sup>

In Christian-dominated Kupang, Timor, the FKUB has defended a plan to build a mosque in the Batuplat neighborhood, arguing that it has met all the criteria despite opposition from Christian groups. “The mosque construction should go ahead. There’s no reason to stop it,” said Kupang FKUB chairman Hendrik Malelak.<sup>170</sup>

Most FKUBs do not have paid staff. Their staff are provided either by the local government or by the local Ministry of Religious Affairs. FKUB members receive an honorarium from the government. The payment sometimes attracts clerics to compete for FKUB membership.

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<sup>168</sup> Human Rights Watch phone interview with Aloys Budi Purnomo Pr., Semarang, June 25, 2012.

<sup>169</sup> Human Rights Watch interview with Andreas Yewangoe, chairman of the Communion of Churches in Indonesia, Jakarta, June 20, 2012.

<sup>170</sup> Human Rights Watch interview with Rev. Hendrik Malelak, Kupang, January 15, 2012.

### **III. House of Worship Difficulties, Discrimination, and Violence**

Human Rights Watch documented cases where members of religious minorities faced discrimination as a result of their faith in various administrative contexts, especially their ability to register marriages.

#### **Attacks on Houses of Worship**

The 2006 regulation on houses of worship has not improved the situation on the ground for religious minorities, who have difficulties obtaining permits to build places of worship and, in the worst cases, become targets of violence. According to the Indonesian Communion of Churches, 430 churches were forced to close between January 2005 and December 2010.<sup>171</sup>

Human Rights Watch documented at least 12 cases in which militant groups have used the 2006 decree to block the establishment of new houses of worship and to close 31 existing houses of worship.<sup>172</sup> Those groups have argued their efforts were justified because the minority congregations lacked building permits or allegedly used forged signatures from neighbors in obtaining permits, or because establishment of a house of worship would disturb harmonious relations among neighbors by offending religious sensibilities of the majority.

The 2006 decree can also be used against Muslims. Human Rights Watch documented one case in which Muslims faced problems constructing a mosque in predominantly Christian West Timor, and there are likely other such cases.

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<sup>171</sup> Human Rights Watch interview with Jeirry Sumampauw, an official of the Communion of Churches (PGI) in Indonesia, in charge of compiling annual reports about various abuses against Christians, Jakarta, September 7, 2011. PGI provided Human Rights Watch with the lists. Some websites keep the annual list of churches that were destroyed, burned, vandalized, or their construction blocked. See Sitekno, <http://st291735.sitekno.com/page/36867/tahun-2005.html> (accessed June 25, 2012). Another site has kept the list of these churches since 1969: Faith Freedom, <http://indonesia.faithfreedom.org/forum/daftar-penghancuran-gereja-foto2-mengenaskan-t94/> (accessed June 25, 2012).

<sup>172</sup> The 12 cases include GKI Yasmin (Bogor city); HKBP Getsemane in Jati Mulya area (Bekasi regency); HKBP Pondok Timur Indah in Ciketing area (Bekasi city); HKBP Kaliabang (Bekasi city); GKRI (Bekasi city); Pentecostal Church in Kaliabang (Bekasi city); St. Joannes Baptista church in Parung (Bogor regency); Batak Karo Protestant Church (Logas Tanah Darat district, Kuantan Singingi regency); Pentecostal Church in Indonesia (Kuantan Singingi regency); Methodist Church in Indonesia (Kuantan Singingi regency); and the Batuplat mosque (Kupang). Human Rights Watch also documented the case of closing 19 churches and 1 native-faith houses in Singkil, Aceh, in May 2012.

Even in cases where a permit is issued for a house of worship, vociferous responses from militant groups have caused local officials to rescind them or the groups prevent the applicants from constructing or using the building. The Indonesian government and local authorities routinely fail to take measures against the Islamist groups. At times local government officials have worked in collaboration with militant groups by cancelling building permits and taking up their call to encourage minority congregations to move to different areas.

Human Rights Watch documented sustained campaigns against two high-profile Christian churches, that of the GKI Yasmin church in Bogor, and the HKBP Filadelfia church in Bekasi, West Java. Both of these churches had not only secured all administrative documents and political approvals, but won Supreme Court challenges to secure their building permits. Despite these favorable court decisions, local government authorities denied building permits to the two churches.

### **GKI Yasmin, Bogor**

The GKI Yasmin church in Bogor obtained necessary approvals and began constructing a church on land they owned in 2006. But a year and a half later, in February 2008, the Bogor City Planning Office suddenly froze GKI Yasmin's building permit without providing a clear reason. According to Thomas Wadu Dara, the GKI Yasmin construction coordinator, Bogor Mayor Diani Budiarto promised that it was only a temporary freeze in response to protests from Muslim activists.<sup>173</sup>

That same month, GKI Yasmin filed a lawsuit against the Bogor City Planning Office at the Bogor administrative court. Activists from Forkami, an Islamist organization based in Bogor, organized rallies against the church, saying that GKI Yasmin could not build the church on this location because it was on a street named after Muslim preacher Abdullah bin Nuh. Bogor Mayor Diani Budiarto made the same argument.<sup>174</sup>

In September 2008, the Bogor administrative court held that the Bogor government had illegally frozen the building permit. The legal battle continued on to the West Java high

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<sup>173</sup> Human Rights Watch interview with Thomas Wadu Dara, the GKI Yasmin construction coordinator, September 11, 2011.

<sup>174</sup> "Churches Can't Be Built in Streets With Islamic Names: Bogor Mayor," *Jakarta Globe*, August 19, 2011, <http://www.thejakartaglobe.com/home/churches-cant-be-built-in-streets-with-islamic-names-bogor-mayor/460241> (accessed July 22, 2012). Muhammad Mustofa, whose father is the street's namesake, stated openly that he has no objection to the GKI Yasmin church.



court, the Supreme Court, and a review of the Supreme Court verdict in December 2010. All of the judgments were favorable to the church.<sup>175</sup>

The Bogor City Planning Office unfroze the building permit after the Supreme Court verdict. But a week later Mayor Budiarto revoked his recommendation for the building permit, producing another legal obstacle for GKI Yasmin's building its church. GKI Yasmin reported the revocation to the Indonesian Ombudsman's Office. In July 2011, the Ombudsman's Office declared the mayor's action to be "malpractice" because he demonstrated no "commitment to implement the Supreme Court verdict."<sup>176</sup>

The Indonesian ombudsman asked Mayor Budiarto and West Java Governor Ahmad Heryawan to implement the Supreme Court decision. Home Affairs Minister Gamawan Fauzi was also asked to supervise the implementation of the verdict.

Budiarto told the Indonesian Ulama Council that the GKI Yasmin matter was not an issue of religious freedom but purely about the building permit. He said he had offered GKI Yasmin "relocation" but they declined. "There is a small group of people who want to tarnish our image internationally," he told the media. "The problem is actually small."<sup>177</sup>

President Yudhoyono has said that the GKI Yasmin congregation has the right to worship, stating in a televised comment, "I've been pushing the mayor, the governor, local communities, to resolve the problem. I personally, and also the government, want the GKI Yasmin to be able to worship quietly and peacefully in Bogor."<sup>178</sup> But he stopped short of saying that the Bogor mayor has to respect the Supreme Court verdict and that GKI Yasmin has the right to build their church. His spokesman said the president cannot interfere in local issues within the mayor's authority.<sup>179</sup>

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<sup>175</sup> "Supreme Court decision on GKI Yasmin No. 127/PK/TUN/2009" dated December 9, 2010.

<sup>176</sup> Recommendation No. 0011/REK/0259.2010/BS-15/VII/2011 on the GKI Yasmin petition signed by Danang Girindrawardana, chairman of the Ombudsman's Office of the Republic of Indonesia, July 8, 2011.

<sup>177</sup> "Walikota Bogor: Saya Terima 3 Karung Surat," Vivanews, November 15, 2012, <http://metro.vivanews.com/news/read/264289-walikota-bogor--saya-terima-3-karung-surat> (accessed June 25, 2012).

<sup>178</sup> "Lagi, SBY Dorong Kasus GKI Yasmin Dituntaskan," *Kompas*, February 15, 2012, <http://nasional.kompas.com/read/2012/02/15/14325169/Lagi.SBY.Dorong.Kasus.GKI.Yasmin.Dituntaskan> (accessed June 25, 2012).

<sup>179</sup> "President can't interfere in GKI Yasmin dispute, spokesman says," *The Jakarta Post*, February 6, 2012, <http://www.thejakartapost.com/news/2012/02/06/president-cant-interfere-gki-yasmin-dispute-spokesman-says.html> (accessed May 25, 2012).

The church has continued to fight the Bogor mayor's failure to implement the Supreme Court's decision. Only one political party, the Indonesian Democratic Party of Struggle, has been outspoken in criticizing the mayor's actions.

## **HKBP Filadelfia, Bekasi**

HKBP Filadelfia in Bekasi bought a plot of land in Jejalen Jaya village in June 2007. The church obtained 259 neighborhood approvals, more than the 60 signatures needed from the local community as required under the 2006 decree. In April 2008, the congregation wrote to the Ministry of Religious Affairs and the Religious Harmony Forum requesting approvals to build the church. Neither agency responded.<sup>180</sup>

The 2006 decree requires the local government to provide an alternative site if a congregation's request is denied.<sup>181</sup> In Jejalen Jaya, where HKBP Filadelfia is located, the Bekasi government has provided no alternative, thus giving the congregation no place to worship.

As in the GKI Yasmin case, the church won successive legal actions against the Bekasi regent, from the Bandung administrative court up to the Supreme Court, which ruled in its favor in June 2011. But Bekasi Regent Sa'duddin refused to issue the building permit.

On March 20, 2012, the Bekasi government invited both HKBP Filadelfia and Haji Naimun's group, which organized the protest against HKBP Filadelfia, to meet at the North Tambun district office. Deddy Rohendi, the head of the Bekasi regency legal division, admitted in a video recording that the Supreme Court decision was "final and legally binding." But he said, "[T]he verdict is very difficult to implement. We're afraid we will have a clash if we insist on doing it. The legal channel is not final." Naimun and local officials, including North Tambun district head Suharto, pressured HKBP Filadelfia officials, saying that they could not guarantee the Christians' safety if they keep trying to build the church. Suharto offered a "solution," saying that HKBP Filadelfia could use the compound for two more weeks but then had to find another location.<sup>182</sup>

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<sup>180</sup> Panjaitan, Palti, "Kronologi Permasalahan HKBP Filadelfia Tambun Bekasi," March 26, 2012, <http://www.andreasharsono.net/2012/03/gereja-hkbp-filadelfia.html> (accessed June 25, 2012).

<sup>181</sup> The 2006 decree art.14 (3).

<sup>182</sup> Ferry Putra, "Pemerintah Berbulu Domba," April 11, 2012, <http://vimeo.com/40148064> (accessed June 25, 2012).

## From Java to Timor, Closures of Houses of Worship

In Bekasi, outside Jakarta, Islamist groups have regularly campaigned against “illegal churches” and pressured the government to close them down, citing the regulation on house of worship construction. Asia Lumbantoruan, a 51-year-old Batak church elder, told Human Right Watch that between 1993 and 2007 his HKBP Ciketing church bought three plots of land and a house on Puyuh Raya Street to hold their Sunday services in and build a church. They always failed despite obtaining the requisite number of signatures from community members for their church building. They have faced continued intimidation, two arson attacks, and violence since their first procurement in 1993, from Islamists who tried to block their church construction. As a result they have had to move from house to house to conduct their Sunday service, a common cat-and-mouse game among thousands of Christians in Java to avoid the prohibition of use of private homes to worship.

In 2010, representatives of militant Islamist groups including the FPI appeared outside the worship site every Sunday with 300–400 supporters to protest the services, which were being conducted in the open. According to Lumbantoruan, FPI members disturbed the service by bringing loud speakers and frightening the women and girls. They also attacked church members repeatedly.<sup>183</sup> The FPI accused the church of fraudulently obtaining the required neighborhood signatures and setting up an “illegal church.”<sup>184</sup>

FPI’s influence and its campaign continued to grow, and in January 2012, church activists reported seeing Murhali Barda, the FPI leader involved in the Ciketing protests, joining efforts to close three other churches in Kaliabang, north Bekasi district.<sup>185</sup> These three other churches were closed on February 12, 2012.<sup>186</sup>

According to Rev. Palti Panjaitan of HKBP Filadelfia church, Bekasi has 33 HKBP churches: 15 of them are located in Bekasi regency and 18 in Bekasi mayoralty. The 15 HKBP congregations in the regency have been denied permits, despite obtaining the relevant

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<sup>183</sup> Human Rights Watch interview with Asia Lumbantoruan, Bekasi, September 13, 2011.

<sup>184</sup> “Klarifikasi FPI Bekasi Raya Atas Insiden HKBP,” *Front Pembela Islam*, September 16, 2010, <http://fpi.or.id/?p=detail&nid=219> (accessed February 3, 2012).

<sup>185</sup> Human Rights Watch interview with Demak Simanjuntak of HKBP Kaliabang, Bekasi, February 9, 2012. Three other church workers separately also saw Barda Muali in the Kaliabang area.

<sup>186</sup> “Tiga Gereja di Bekasi Disegel,” *Metro TV*, February 11, 2012, <http://metrotvnews.com/read/news/2012/02/11/81585/Tiga-Gereja-di-Bekasi-Disegel/6> (accessed March 3, 2012).

neighborhood approvals necessary under the 2006 decree but not permission from the Ministry of Religious Affairs and FKUB. Local authorities have consequently forced them to close their buildings and churchgoers have resorted to using private houses, shop-houses, restaurants, or office buildings to hold Sunday services.<sup>187</sup> In an attempt to prevent even private worship by Batak churches, Islamist websites have branded them “illegal churches.”<sup>188</sup>

The Bekasi mayoralty on February 12, 2012, sealed three churches following pressure from FPI Bekasi: the Indonesian Church of Christ Loving (Gereja Kristus Rahmani Indonesia, GKRI), HKBP Kaliabang, and the Pentecost Church.<sup>189</sup> When closing down the three churches, the Bekasi FKUB’s secretary, Hasnul Khalid, said his office had recorded 260 houses of worship without permits in Bekasi, calling on these 260 congregations to immediately obtain permits.<sup>190</sup>

Jaendar Gultom of HKBP Kaliabang, Bekasi, admitted that his church had no permit, believing none was necessary when it was built inside a Batak-dominated Christian neighborhood in 2003. But the Bekasi mayoralty closed down his church as well as two neighboring churches in February 2012. Gultom told Human Rights Watch:

Now we do our Sunday service outside our church building. We built a tent and took our chairs, altar, and other equipment out. It’s strange that we have a building but we cannot use it. We have to be patient. We’re applying for the permit now. It might take a long time. We have to be patient.<sup>191</sup>

Alexander Adrian Makawangkel of the Santo Joannes Baptista church in Parung, Bogor regency, has tried to get a permit for his church since his congregation bought land for the church in 1993. They still have no approval from the government. He told Human Rights Watch:

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<sup>187</sup> Human Rights Watch phone interview with Rev. Panjaitan, February 2, 2012.

<sup>188</sup> “Umat Islam Bekasi: Tertibkan Gereja Liar dan Hentikan Kristenisasi!” *Voice of al Islam*, November 28, 2011, <http://www.voa-islam.com/news/indonesiana/2011/11/28/16841/umat-islam-bekasi-tertibkan-gereja-liar-dan-hentikan-kristenisasi/> (accessed March 3, 2012).

<sup>189</sup> “Tiga Gereja di Bekasi Disegel,” *Metro TV*, February 11, 2012, <http://metrotvnews.com/read/news/2012/02/11/81585/Tiga-Gereja-di-Bekasi-Disegel/6> (accessed March 3, 2012).

<sup>190</sup> “260 Rumah Ibadah di Bekasi Terancam Disegel,” *Antara*, February 12, 2012, <http://www.suarapembaruan.com/home/260-rumah-ibadah-di-bekasi-terancam-disegel/16995> (accessed July 23, 2012).

<sup>191</sup> Human Rights Watch phone interview with Jaendar Gultom, Bekasi, June 25, 2012.

We applied for our church permit, getting more than the required signatures, lobbying various government bodies. We've been doing it for more than 15 years. We still haven't got it.<sup>192</sup>

In November 2010, Bogor Regent Rachmat Yasin issued a letter to the St. Joannes Baptista church in Parung asking the church to stop using the land for worship purposes.<sup>193</sup> At the same time, he wrote another letter to the Director General of Human Rights at the Ministry of Law and Human Rights in Jakarta. Yasin said that the church had not met the requirement under the 2006 decree for building a church and that Muslim organizations in Parung had protested the building of the church.<sup>194</sup>

According to Rev. Gomar Gultom, secretary general of the Communion of Churches in Indonesia and himself a HKBP pastor, in Java it is relatively easy to get signatures from at least 60 Muslim neighbors to obtain a permit. But obtaining approval from the Ministry of Religious Affairs and FKUB can be very tough. In several Muslim-majority areas, both agencies are usually controlled, directly or indirectly, by individuals who see Christianity as a threat. They see the construction of new churches as a threat to their political status. This has occurred with HKBP Filadelfia and the Santo Joannes Baptista churches, which secured enough neighborhood signatures but failed to obtain the letter of approval from the two agencies.

In sparsely populated areas like eastern Sumatra, the challenge is very different. Abjon Sitinjak, whose Pentecostal church in Kuantan Singingi, Riau, was burned down, told Human Rights Watch:

How could we ask Muslims to sign for the permit? The closest Muslim family lives around 500 meters from our church. The next one is about two kilometers. How could we find 60? That decree might work in urban areas. But it's impossible to implement inside a plantation.<sup>195</sup>

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<sup>192</sup> Human Rights Watch interview with Alexander Adrian Makawangkel, Parung, January 22, 2012.

<sup>193</sup> Letter No. 453.2/556-Huk on November 30, 2010 signed by Bogor regent Rachmat Yasin.

<sup>194</sup> Letter No. 453.2/557-Huk on November 30, 2010 signed by Bogor regent Rachmat Yasin.

<sup>195</sup> Human Rights Watch interview with Abjon Sitinjak, Taluk Kuantan, October 22, 2011.

In May 2012, in Singkil, southern Aceh, FPI militants adopted the same approach, protesting against “illegal” churches and demanding that the government close them down. It produced quick results. In less than a week, the Singkil government sealed 19 churches and one native-faith house of worship. All of these houses of worship were actually built before the 2006 decree; some were even established during Dutch or Japanese rule.<sup>196</sup>

Christian churches are not the only group to encounter problems under the decree. A Wikileaks cable released in August 2011, but dated January 2007, states that several Indonesian Hindu leaders told the US Embassy in Jakarta that the 2006 house of worship decree made it difficult for non-Muslims to build new places of worship due to obstruction from the Ministry of Religious Affairs and the FKUB.<sup>197</sup>

I Made Erata, the chairman of the Indonesian Hindu Community (Parisada Hindu Dharma Indonesia, PHDI), told Human Rights Watch that given the restrictive climate for Hindus in Indonesia, his organization was forced to find new places to build temples. PHDI decided to establish new temples inside police or military complexes, cooperating with Balinese Hindus who serve in the police or military institutions.”<sup>198</sup>

Human Rights Watch found at least one case in which a Muslim minority community experienced difficulties in building a mosque. Since 2002, Muslim families in Batuplat, Alak district, Kupang, on Timor island in East Nusa Tenggara province, have faced difficulties in building a mosque due to protests from Christians in the predominantly Christian area. Some Christian groups protested the Muslim community using a building they owned for Friday prayers. Subsequently, the mosque committee and the Kupang government, following the procedures set forth under the 2006 decree, agreed that the Kupang government would provide an alternative site.

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<sup>196</sup> On June 7-13, 2012, a delegation of Singkil churches visited Jakarta. They also met Human Rights Watch and presented a 50-page document entitled “The Closure of 20 Houses of Worship in Aceh Singkil Regency.” The Singkil government sealed these houses of worship on May 1, May 3 and May 8, 2012. The oldest church, GKPPD Kuta Kerangan, was built in 1932 during Dutch colonial rule. Some were built during the Japanese occupation in 1942-45. The newest one, the Indonesian Evangelical Mission Church (Gereja Misi Injili Indonesia, GMII), was built in 2003.

<sup>197</sup> Wikileaks, “Hindus Lament “Islamization” of Indonesia,” based on leaked US Embassy cable, uploaded on Wikileaks website on Aug. 30, 2011, <http://wikileaks.org/cable/2007/02/07JAKARTA268.html> (accessed March 2, 2012).

<sup>198</sup> Human Rights Watch interview with I Made Erata, Jakarta, September 13, 2011.

After months of negotiations, in 2008, the Kupang government bought land as an alternative site about 600 meters away from the first site. After obtaining the requisite number of signatures from Muslim and Christian residents, both the Ministry of Religious Affairs in Kupang and the FKUB approved the building of the mosque.<sup>199</sup> Kupang Mayor Daniel Adoe signed the building permit and laid the first stone on June 24, 2010.<sup>200</sup>

However, continued protests from Christian congregations in Batuplat, particularly the Evangelical Church in Timor (Gereja Masehi Injili di Timor, GMIT), the largest church in Timor, have led to the suspension of mosque construction. Rev. Judith Nunuhitu-Folabessy of a GMIT congregation in Batuplat said, “Our Christian brothers and sisters in Java have to obey the 2006 regulation. We want that regulation to be implemented here as well. If we don’t want to follow that regulation to the letter, then it should not be implemented that way in other parts of Indonesia.”<sup>201</sup>

## Attack on Shia Boarding School

Human Rights Watch documented a 2011 attack by Sunni militants on a Shia boarding school in Bangil, near Surabaya, East Java. Bangil, an important town for Indonesia's Shia community, has an elite Shia school called the Islam Pesantren Foundation (Yayasan Pesantren Islam, YAPI), which runs a kindergarten, primary school, middle school, and two high schools.<sup>202</sup> On February 15, 2011, more than 200 militants entered YAPI and destroyed school property. In the course of defending themselves, nine teenage students were injured.

Harassment against the YAPI school dates back to 2007. In November 2007, the head of the Sunni al-Bayyinah Foundation in Surabaya, Thohir al Kaff, delivered a sermon in Bangil calling on the audience “to cleanse” Bangil of its Shia members.<sup>203</sup> Following the sermon, a group attacked the school, throwing stones, shouting at teachers and kicking the doors. No one was ever arrested or charged for this attack.

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<sup>199</sup> Recommendation letter from Religious Harmony Forum No. 025/FKUB/KK/VI/2010 signed by Rev. Hendrik NE Malelak.

<sup>200</sup> “Chronology” of the Nur Musafir mosque case provided by the Wahid Institute (undated). Copy on file at Human Rights Watch.

<sup>201</sup> Human Rights Watch interview with Rev. Judith Nunuhitu-Folabessy in Batuplat, Kupang, January 16, 2012.

<sup>202</sup> In 1976, a Shia cleric, Husein al-Habsyi, established the Islam Pesantren Foundation (Yayasan Pesantren Islam, YAPI). Its Al-Ma’hadul Islami high school was considered to be a class-A school by the Islamic Education Accreditation Office in East Java (Badan Akreditasi Provinsi Sekolah/Madrasah Jawa Timur) <http://www.ban-sm.or.id/provinsi/jawa-timur/akreditasi/view/190601> (accessed November 21, 2011)

<sup>203</sup> Audio recording of the sermon, undated, provided to Human Rights Watch.

There were four more attacks on the school in 2010 and 2011. According to police reports and YAPI school officials, a Bangil mosque had organized weekly anti-Shia sermons on Wednesday evenings and broadcast them via public radio with speakers from the Sunni group Ahli Sunnah Wal Jamaah group and other Sunni clerics.

Members of the YAPI school administration told Human Rights Watch that they believe the militants who attacked the school attended these regular gatherings at the Bangil mosque.

According to a police report, on December 19, 2010, three bullets struck windows of the YAPI female student dormitory.<sup>204</sup> The school believes it was an anti-Shia attack. On February 12 and 14, 2011, unknown individuals stoned the YAPI female student dormitory, breaking tiles, the ceiling, and a window.<sup>205</sup>

Then, on the afternoon of February 15, 2011, approximately 200 men on motorcycles attacked the YAPI school, throwing stones, smashing windows, and destroying a security guard post. Teenage students, who were playing soccer in a nearby field, attempted to defend their school. Human Rights Watch has seen a video recording of the incident in which several men make anti-Shia comments such as “*Syiah Laknatulloh*” (Shia is condemned by Allah).

An 18-year-old YAPI student told Human Rights Watch:

I was playing computer when I heard the noise. I went out and saw about 200 of them inside the school, smashing windows and destroying the guard post. I summoned my classmates. About 30 students came out. We used everything, stones, sticks. It was about 30 minutes until the police arrived and fired warning shots.<sup>206</sup>

The attackers left after the police fired warning shots, but the incident left nine students injured, four seriously that they required hospitalization. One suffered permanent eye damage.<sup>207</sup>

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<sup>204</sup> See Police report No. STPL/70/XII/2010/Jatim/Res Pas/Sek Bgl dated Dec. 19, 2010 and signed by police Chief Brigadier Sanadi.

<sup>205</sup> See Police report No. STPL/08/II/2011/Jatim/Res Pas/Sek Bgl dated Feb. 13, 2011 and signed by police 1st t Brig. M. Sutoro; Police report No. STPL/10/II/2011/JATIM/Res Pas/Sek Bgl dated Feb. 15, 2011, and signed by police 1st Brig. Pugh Santoso.

<sup>206</sup> Human Rights Watch interview with a teenage student (name withheld), Bangil, September 18, 2011.

<sup>207</sup> Human Rights Watch interview with YAPI teacher Muhammad Alwi, Bangil, September 18, 2011.



The November 2011 attack received considerable media attention and prompted police to arrest and file cases against six men with the Sidoarjo district court. The six men said they were members of the Ahli Sunnah Wal Jamaah group. The Sidoarjo court found them guilty for using violence against the students. They were sentenced to three months and 21 days in prison. "This punishment is a warning so that the convicts won't repeat their crime," said Chief Judge Sutjahjo Padmo Wasono.<sup>208</sup>

## Prosecutions under Blasphemy and Conversion Laws

Blasphemy and conversion laws have been used to impose criminal penalties on members of religious minorities in violation of their rights to freedom of religion and expression. Bakor Pakem (The Coordinating Board for Monitoring Mystical Beliefs in Society) has been particularly aggressive in pressuring the authorities to bring blasphemy prosecutions in recent years.

In Dharmasraya, West Sumatra, Bakor Pakem led the prosecution of Alexander An, an administrator of the "Minang Atheist" Facebook group. He was eventually acquitted of blasphemy but in June 2012 the Sijunjung court sentenced him to two-and-a-half years in prison and a fine of IDR100 million (around US\$11,000), for inciting public unrest via his Facebook account.

Shia followers have also been targeted. For years, Islamist Sunnis actively campaigned against the Shia community in Sampang regency, Madura, and against its cleric, Tajul Muluk. In July 2012, Muluk was convicted on blasphemy charges and sentenced to two years' imprisonment. A higher court later changed the sentence to four years imprisonment.

On January 1, 2012, the Indonesian Ulama Council in Sampang issued a fatwa, blaming what it calls "the teaching of Tajul Muluk" as a blasphemy against Islam and demanding the government prosecute Muluk.<sup>209</sup>

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<sup>208</sup> The men were convicted under Criminal Code article 170(2.2), which carries a maximum nine-year prison term. See East Java Prosecutor Office, "Kasus YAPI Pasuruan Terdakwa divonis 3 bulan," website. June 8, 2011, [http://www.kejati-jatim.go.id/index.php?option=com\\_content&view=article&id=174:kasus-yapi-pasuruan-terdakwa-divonis-3-bulan&catid=47:berita-umum&Itemid=108](http://www.kejati-jatim.go.id/index.php?option=com_content&view=article&id=174:kasus-yapi-pasuruan-terdakwa-divonis-3-bulan&catid=47:berita-umum&Itemid=108) (accessed Oct. 6, 2011).

<sup>209</sup> The fatwa of the MUI Sampang, numbered A-035/MUI/Spq/I/2012, and dated Jan. 1, 2012, was signed by Mahrus Zamroni (secretary of the fatwa commission), KH Mahmud Huzaini (head of the fatwa commission), Moh. Sjuuib (secretary general), and KH Buchori Ma'shum.

Ulamas from East Java went to Jakarta in January 2012 to urge the Indonesian Ulama Council to issue an anti-Shia fatwa, arguing that Shia Islam in East Java had created unrest and endangered “religious harmony in Indonesia.”<sup>210</sup> The delegation also met with the House of Representatives and Minister of Religious Affairs Suryadharma Ali, after which Ali publicly stated, “Shia is against Islam. Shia is heretical. Anyone who thinks that Shia is not heretic is himself a heretic.”<sup>211</sup> These public actions also increased the pressure on police to investigate allegations of blasphemy against Shia.

On January 4, 2012, the Sampang chief prosecutor, Danang Purwoko Adji Susesno, as a member of Bakor Pakem, called on the Attorney General’s Office to ban “Tajul Muluk’s teachings” and stated in a letter that his Sampang office would press blasphemy charges against Muluk. Susesno made various claims about Tajul Muluk’s teachings and why they were contrary to Islam.<sup>212</sup> The authorities questioned Tajul Muluk in February 2012, and charged him with blasphemy and “unpleasant misconduct” on April 24, 2012.

The Sampang court sentenced him for blasphemy to two years in prison in July 2012.<sup>213</sup> In September 2012, the East Java high court had his sentence changed to four years. He appealed again and the Supreme Court kept the four years punishment in January 2013.<sup>214</sup>

Bakor Pakem also played a role in initiating the blasphemy prosecution of Andreas Guntur, the leader of the spiritual group Amanat Keagungan Ilahi, who was sentenced to four years’ imprisonment in March 2012 by the Klaten court, Central Java, for alleged unconventional Islamic teachings.

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<sup>210</sup> “Ulama Jatim Minta Dukungan MUI Pusat untuk Larang Ajaran Syiah,” *Pelita*, January 25, 2012, <http://www.pelitaonline.com/read-cetak/14419/ulama-jatim-minta-dukkungan-mui-pusat----untuk-larang-ajaran-syiah/> (accessed Jan. 25, 2012).

<sup>211</sup> “Menag Tegaskan Syiah Bertentangan dengan Islam,” *Media Indonesia*, January 25, 2012, <http://www.mediaindonesia.com/read/2012/01/25/293947/293/14/Menag-Tegaskan-Syiah-Bertentangan-dengan-Islam> (accessed Jan. 26, 2012).

<sup>212</sup> “Report of the Meeting of Bakor Pakem in Sampang Regency on January 4, 2012” signed by Sampang chief prosecutor Danang Purwoko Adji Susesno.

<sup>213</sup> “Shia Cleric Convicted of Blasphemy,” Human Rights Watch news release, July 12, 2012, <http://www.hrw.org/news/2012/07/12/indonesia-shia-cleric-convicted-blasphemy> (accessed July 19, 2012). “Sampang court rejects Shiite cleric’s objection,” *The Jakarta Post*, May 23, 2012, <http://www.thejakartapost.com/news/2012/05/23/sampang-court-rejects-shiite-cleric-s-objection.html> (accessed June 29, 2012).

<sup>214</sup> “Keadilan di Angan-angan,” *Kelompok Kerja Advokasi Kebebasan Beragama dan Berkeyakinan*, Press Release, January 21, 2013. Copy on file at Human Rights Watch.

In October 2010, Antonius Richmond Bawengan, a controversial preacher from Jakarta, distributed a leaflet about the three Abrahamic religions (offering his own interpretations of Judaism's Yahweh, Christianity's Jesus Christ, and Islam's Allah). His leaflet angered Muslims in Temanggung, Central Java, prompting police to arrest him. On February 8, 2011, the Temanggung court convicted Bawengan of blasphemy and sentenced him to five years' imprisonment for his distribution of the leaflets.

In Sukadana, a small town in Lampung province, Sumatra, a court convicted two Baha'i members, Syahroni and Iwan Purwanto, of "trying to convert" Muslim children to the Baha'i faith. The East Lampung district court in November 2010 sentenced the two men to five years in prison. They appealed but the Lampung high court reinstated the district court verdict in January 2011. The defendants have appealed the ruling to the Supreme Court.

According to court documents, in April 2010, Riza Fadilla's Baha'i uncle, Iwan Purwanto, asked his nephew to tutor his seven-year-old son. The nephew agreed to tutor him, and the class eventually grew to include another Baha'i boy and 14 Muslim children, mostly of primary school age, as well as three other tutors, including a Muslim teenager.<sup>215</sup> The group studied on Sundays on the second floor of a shop house in the Sidorejo market, Sekampung Udik district, belonging to local Baha'i leader Syahroni.

Syahroni and Iwan Purwanto were accused of attempting to covert Muslim children to the Baha'i faith.<sup>216</sup> Eventually, prosecutors charged the two but not under the blasphemy law. Instead, they used article 86 of the 2002 Child Protection Act, which states, "whoever converts or attempts to convert children to other religion will be charged up to five years prison or fine of 100 million rupiah or both." The two men are being detained at Sukadana prison, awaiting their appeal.<sup>217</sup>

## Prosecutions under the 2008 Anti-Ahmadiyah Decree

The Jemaah Ahmadiyah Indonesia, the national organization for Ahmadis, has reported that at least 33 Ahmadiyah mosques have been vandalized, sealed, occupied, or forced to

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<sup>215</sup> Human Rights Watch interview with teenager Riza Fadilla Junior, Sukadana, October 17, 2011.

<sup>216</sup> Setiarto, Yulius, *Memori Kasasi* Case Number 130/Pid/2010/PN.TK East Lampung district court on behalf of Syahroni and Iwan Purwanto, March 8, 2011, p. 5.

<sup>217</sup> Human Rights Watch visited Syahroni and Iwan Purwanto in Sukadana prison on October 17, 2011.

close by the local authorities, since the Indonesian government issued its anti-Ahmadiyah decree in June 2008. In some cases, Islamist militants have closed the mosques themselves, with police failing to act or actively siding with the militants.<sup>218</sup>

In Bekasi mayoralty, Islamists unsuccessfully urged local officials to shut down the mosque in the Pondok Gede neighborhood, the only Ahmadiyah mosque in the city. They then called on the acting Bekasi mayor, Rahmat Effendi, to adopt a provincial decree. The decree, adopted on October 13, 2011, stated that the Ahmadiyah members and their organization should stop “all activities,” including “proselytizing, telling stories, recommending or other acts which imply of proselytizing.”<sup>219</sup>

Rahmat Rahmadijaya, the Ahmadiyah imam in Bekasi, told Human Rights Watch that a week earlier, on November 4, 2011 at 7:30 a.m.:

[T]he MUI came here and asked us not to use the mosque for the sake of our own security. But our right to worship is our business with God, no one has the right to stop us. They said, “What if [a provocateur] comes with here with FPI? What will you do?”

I said we will have a dialogue. We will talk quietly and explain to them we have the right to worship. The MUI left and the police and troops came at 9 a.m. They let us have the Friday prayer but told us we should be fast. We have seen the same pattern for the last three Fridays. [The protesters] hope the MUI can persuade us not to worship. Usually after Friday prayers we stay to socialize with each other, but now security asks us to be quick.

Rahmat Rahmadijaya showed Human Rights Watch the cell phone text messages he had received from unknown persons, suggesting that Islamist groups in the area were mobilizing against the Ahmadiyah:

“Eliminate Ahmadiyah from Pondok Gede”  
“Unite our force”

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<sup>218</sup> An Ahmadiyah activist provided the list to Human Rights Watch, Jakarta, September 14, 2011.

<sup>219</sup> Mayor Regulation No. 40 Year 2011 about “Banning Ahmadiyah Activities in Bekasi City.”

“Get Ready”

“Close all activities if no government decision by Friday. All Muslims, let’s go down to the location and make it very clear.”<sup>220</sup>

Titik Sartika, the head of the mosque’s women’s division, told Human Rights Watch:

We get nervous every time we go to the mosque, especially those with children. We’re afraid to bring them. We also have Sunday school, which now is done home-to-home. We are very afraid. The women often don’t come to pray if we see people in white robes [FPI].<sup>221</sup>

Rahmadijaya described how conditions have deteriorated in recent years:

Prior to 2005, even non-Ahmadiyah Muslims prayed here. We’ve been here for 22 years. We have never faced these problems before. We are a part of this community. Now we are vilified. The problems started in 2005 after the MUI fatwa. Things got worse after the 2008 decree and got intimidating since the Bekasi decree.

The Ahmadiyah members are afraid to legally challenge the Bekasi mayor’s decree. “The decree only limits our activities, the preaching, but in terms of worship, it did not ban it,” said Rahmadijaya.<sup>222</sup> However, Islamist groups have misinterpreted the decree and used it to call for the mosque’s closure.

In Cianjur, about three hours’ drive south of Jakarta, the Ahmadiyah community has faced intimidation and harassment since West Java Governor Ahmad Heryawan, himself an MUI board member and a PKS politician, issued an anti-Ahmadiyah decree on March 2, 2011, which bans “all Ahmadiyah proselytizing activities.”<sup>223</sup>

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<sup>220</sup> Human Rights Watch interview with Rahmat Rahmadijaya, Ahmadiyah mosque, November 6, 2011.

<sup>221</sup> Human Rights Watch interview with Titik Sartika, Ahmadiyah mosque, November 6, 2011.

<sup>222</sup> Human Rights Watch interview with Rahmat Rahmadijaya, Ahmadiyah mosque, November 6, 2011.

<sup>223</sup> West Java governor regulation No. 12 Year 2011 signed by Ahmad Heryawan, March 2, 2011.

Hafiz, the head of a small Ahmadiyah mosque in Cipeuyeum, Cianjur, told Human Rights Watch that he received a phone call from the local military officer informing him of the governor's decree and that harassment soon followed. On March 17, 2011, about 100 men appeared in the Cipeuyeum mosque. Two Ahmadiyah men were coerced to sign a statement saying that the Ahmadiyah would no longer use the mosque for prayer or meetings. But in December 2011, the Ahmadiyah members started quietly using the mosque again.<sup>224</sup>

On February 17, 2012, Hasan Suwandi, the mosque's guard, was alone when a mob surrounded the mosque. They brought down the iron fence, using sledge hammers, crowbars, and iron bars to tear down the mosque. Suwandi told Human Rights Watch:

I immediately ran away from the parsonage with my grandson. But I forgot to turn off the stove. So I returned again and turned off the stove. It was very quick, about 30 minutes, when they brought down the roof. Police and military officers only arrived when the mosque was already torn down.<sup>225</sup>

## Harassment of Ahmadiyah School Children

Members of the Ahmadiyah community told Human Rights Watch that their children have suffered harassment at public school from their teachers and administrators. The extent of the problem is difficult to measure but anecdotal evidence suggests that it is deeply rooted. In Cianjur and Cikeusik, both located in western Java, Human Rights Watch documented cases where Islamic studies teachers verbally abused Ahmadiyah students because of their faith or preached anti-Ahmadiyah rhetoric that stoked harassment.

An Ahmadiyah mother of a 17-year-old from Cikeusik described to Human Rights Watch the ongoing harassment her son endured from his boarding school in Malingping, near Cikeusik, Banten. Another son and her niece, both studied in a neighboring high school, did not get school transfer documents when their families were forced to leave Cikeusik. She told Human Rights Watch:

The teacher said, "Ahmadiyah is false. They should be eliminated." He called my son a heretic. My son is a quiet boy. He just listened. The teacher

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<sup>224</sup> Human Rights Watch interview with Hafiz, Cianjur, April 5, 2012.

<sup>225</sup> Human Rights Watch interview with Hasan Suwandi, Cianjur, April 5, 2012.

said, “Ahmadiyah is tarnishing Islam.” Later the school principal would not allow him to come with me when we moved to Jakarta. They refused to sign the school transfer letter and they kept his report cards.<sup>226</sup>

Ismael Suparman, the Ahmadiyah imam in Cikeusik, said five of seven Ahmadiyah students did not get their transfer cards when their families were forced to flee Cikeusik in February 2011. “I had to send my four children to go with their [Filipina] mother to Zamboanga City, Mindanao, [in the Philippines] so that they could go to school,” said Suparman.<sup>227</sup>

In Sukadana, Cianjur, an Ahmadiyah teacher told Human Rights Watch that Ahmadiyah students and teachers faced repeated harassment for their faith. In July 2011, an inspector from the Ministry of Education visited her district and in a speech to around 200 teachers said that all schools and teachers must obey the 2008 anti-Ahmadiyah decree. In what the teacher described to Human Rights Watch as “veiled threats,” the inspector told the teachers that the decree orders Ahmadis to “stop activities which deviate from the principal teachings of Islam” and noted that the crimes carry a maximum penalty of five years in prison.<sup>228</sup>

Five Ahmadiyah elementary and middle school students in Sukadana, West Java, told Human Rights Watch they were bullied by classmates who were encouraged by discriminatory statements from their teachers. An eighth grader said he was beaten by his classmates after the weekly anti-Ahmadiyah speech by their religious teacher. “I reported it to my parents. I’m afraid to report the beating to the school. I’m afraid the teachers will report my parents to Garis,” he said, referring to the Islam Reform Movement (Gerakan Reformis Islam, Garis), a militia group frequently involved in anti-Ahmadiyah campaigns in Cianjur regency.<sup>229</sup>

## Discriminatory Administrative Policies

In Indonesia, state discrimination on the basis of religion extends beyond the building of churches, mosques, and temples. Various government regulations discriminate against religious minorities, ranging from the provision of ID cards, birth and marriage certificates, and access to other government services. For instance, local officials in Kuningan regency,

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<sup>226</sup> Human Rights Watch interview with an Ahmadiyah woman (name withheld), Bintaro, Jakarta, September 10, 2011.

<sup>227</sup> Human Rights Watch phone interview with Ismael Suparman, June 26, 2012.

<sup>228</sup> Human Rights Watch interview an Ahmadiyah teacher (name withheld), Sukadana, September 14, 2011.

<sup>229</sup> Human Rights Watch interview with an eighth grader in a public junior high school, Campaka sub-district, Sukadana, September 14, 2011.

West Java province, denied an Ahmadiyah man the ability to register his marriage because of his religion.<sup>230</sup> Two Baha'i families in Sukadana, Lampung, reported that government officials forced them to list "Islam" as their official religion on their ID cards, birth and marriage certificates.<sup>231</sup>

Human Rights Watch also interviewed Dewi Kanti, a Sundanese woman, a follower of the Sunda Wiwitan native faith, who married a Javanese Catholic man. The civil registration office refused to accept the marriage because they did not recognize her religion. If they have children, the babies' birth certificates will not list the father's name.<sup>232</sup> Without proper birth certificates, the children will be considered "bastards" under the law, incurring the attendant social pressures.<sup>233</sup>

The Bakor Pakem office in West Java has refused to recognize Sunda Wiwitan wedding ceremonies since 1964 and even detained a Sunda Wiwitan priest (the father of Dewi Kanti) for three months in 1964 for officiating at the marriage of five Wiwitan couples.<sup>234</sup>

Kanti herself married her husband, a Javanese faith believer, in a Catholic church, in March 2002. She told Human Rights Watch:

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<sup>230</sup> The Ahmadi man from Manislor district in Kuningan regency was barred from registering his marriage at the Manislor office of the Ministry of Religious Affairs. Human Rights Watch interview with the Ahmadi man, Jakarta, September 16, 2012.

<sup>231</sup> Human Rights Watch interview with Riyan Irfanus, Metro, Lampung, October 17, 2011.

<sup>232</sup> Human Rights Watch interview with Dewi Kanti, Jakarta, June 11, 2012.

<sup>233</sup> The discrimination against Ahmadiyah and Sunda Wiwitan members also take place in the Kuningan regency when the government refuses to issue their electronic ID card. In September 2012, more than 5,000 of their members were reported do not have the new ID card in Kuningan. See "Ahmadiyah dan Sunda Wiwitan Tidak Bisa Ikut E-KTP," *Tempo*, September 2, 2012, <http://www.tempo.co/read/news/2012/09/02/176426999> (accessed September 2, 2012). In Tasikmalaya, MUI asked the government not to put the word "Islam" into Ahmadiyah members' ID cards. See "Warga Ahmadiyah Diminta Tak Cantumkan Islam di KTP," *Tempo*, Sept. 14, 2012, [http://www.tempo.co/read/news/2012/09/14/058429511/Warga-Ahmadiyah-Diminta-Tak-Cantumkan-Islam-di-KTP?utm\\_source=twitterfeed&utm\\_medium=twitter](http://www.tempo.co/read/news/2012/09/14/058429511/Warga-Ahmadiyah-Diminta-Tak-Cantumkan-Islam-di-KTP?utm_source=twitterfeed&utm_medium=twitter) (accessed September 14, 2012).

<sup>234</sup> In June 1964, the Kuningan Bakor Pakem declared marriages of members of Agama Sunda Djawa (Java Sundanese Religion), a major Sunda Wiwitan organization, to be illegal. The Kuningan prosecutor's office later detained nine believers, which included Djatikusumah, a priest, and eight young grooms, who allegedly were married using Sundanese ritual. Anticipating increased hostilities, their leader and Djatikusumah's father, Tedja Buana, decided to leave the organization, joining the Catholic church and inviting the church to use their Sunda house of worship. His move prompted 5,000 Sunda Wiwitan believers to convert to Catholicism. "It's an important decision. My grandfather saved thousands of our members from being accused as atheists. We can't imagine what would happened if he didn't do it," said Dewi Kanti, referring to massacres of the communists in 1965-1966. But in March 1981, Djatikusumah, the eldest son of Tedja Buana, declared that he was leaving the Catholic church and returning to his native faith. His move prompted 1,600 believers to reconvert to Sunda Wiwitan. The Catholic cathedral was re-converted to a Sunda Wiwitan house of worship. See Iman C. Sukmana, *Menuju Gereja Yang Semakin Pribumi: Analisis Konflik Internal Dalam Gereja Eks-Ads* (Jakarta: Penerbit Universitas Atma Jaya, 2011).



My husband chose Catholic as his official religion. But he's practicing his Kejawen faith. If we insisted to marry with our own religions, we won't have birth certificates for our children, at least, without my husband's name. The stripe in our ID cards creates another stigma in Indonesia.<sup>235</sup>

All Indonesian citizens must obtain a national ID card at age 17. The document is essential for conducting basic transactions like opening a bank account, obtaining a driver's license, entering university, obtaining employment, or collecting a pension. It is also needed to apply for birth, marriage, and death certificates.

Starting in 1978, the Home Affairs Ministry required all citizens to state their religion on the card, providing five options: Islam, Catholic, Protestant, Hinduism and Buddhism (omitting Confucianism, a previously recognized religion that was discriminated against during Suharto's rule).<sup>236</sup>

As a result, people from hundreds of smaller native faiths like Kejawen (Javanese), Wiwitan (Sunda), Kaharingan (Dayak), Parmalin (Batak), and followers of religions like Judaism, Sikhism, and Confucianism, were forced to choose one of the six religions when they applied for an ID card.<sup>237</sup> Couples of mixed religions also had extra difficulties in getting married because their ID cards showed their different religions.<sup>238</sup>

In 2006, the Indonesian parliament passed the Population Administrative Law, which states that an individual is no longer required to list their religion on their ID card.<sup>239</sup> But the reality is very different. Many civil servants still do not know of the new law. Religious minorities face problems if they refuse to choose one of the six religions that these officials recognize. "They simply say you're a godless woman if you want to keep the

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<sup>235</sup> Human Rights Watch interview with Dewi Kanti, Jakarta, June 11, 2012.

<sup>236</sup> The Suharto regime officially discriminated against Confucianism between 1979 and 1998. But the discrimination had started much earlier with the banning of Chinese characters, Chinese-language books, and Chinese-language schools. See Leo Suryadinata, "Buddhism and Confucianism in Indonesia" in Tim Lindsey and Helen Pausacker eds., *Chinese Indonesians: Remembering, Distorting, Forgetting* (Singapore: ISEAS 2005).

<sup>237</sup> IzakLattu, "Violence against indigenous religions," *The Jakarta Post*, March 1, 2012, <http://www.thejakartapost.com/news/2012/01/03/violence-against-indigenous-religions.html>.

<sup>238</sup> Human Rights Watch did a report about similar ID card issue in Egypt. See "Egypt: Allow Citizens to List Actual Religion on ID Cards," Human Rights Watch news release, November 11, 2007, <http://www.hrw.org/news/2007/11/11/egypt-allow-citizens-list-actual-religion-id-cards>.

<sup>239</sup> Population Administrative Law, full cite, art. 64.

column blank,” said Dewi Kanti, the Sunda Wiwitan believer, whose ID card has a blank space after “religion.”<sup>240</sup>

In Manis Lor, Kuningan regency, the biggest Ahmadiyah village on Java, a 34-year-old Ahmadiyah man told Human Rights Watch that young Ahmadiyah couples in the area faced significant administrative obstacles to getting married. There are approximately 3,000 Ahmadiyah families in Manis Lor, located 45 kilometers south of Cirebon, a major city in West Java. Young couples often need to go to Cirebon or Jakarta to register for marriage, having to stage a fake relocation and re-register with new ID cards in the new location, because Kuningan authorities refuse to marry Ahmadiyah couples.

The man said that on attempting to register his marriage in Manis Lor in 2010, the Kuningan authorities informed him that the Kuningan government had officially instructed the Islamic Affairs office in Manis Lor not to register any Ahmadiyah marriage. He was forced to marry elsewhere:

I had also to conduct my wedding quietly with very few family members.  
We’re afraid the neighbors would report our marriage.<sup>241</sup>

In Sukadana, Lampung, on Sumatra, Human Rights Watch interviewed two Baha’i families who were not able to obtain ID cards and birth certificates. One of the families was unable to obtain a correct birth certificate for their child.

Riyon Irfanus, a 26-year-old bicycle shop owner, said he had gone to the Sukadana administration office, asking for a new ID card but the official denied him one:

They initially printed Islam as my religion. I refused that card and insisted that I wanted to have Baha’i as my religion. I don’t want to live a lie. They didn’t want to do that. I returned again and again over the next five months. They finally told me to go to the Ministry of Religious Affairs. If [the ministry] agreed, the administration office would print my ID card.

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<sup>240</sup> Human Rights Watch interview with Dewi Kanti, Jakarta, June 11, 2012.

<sup>241</sup> Human Rights Watch interview with an Ahmadiyah man (name withheld) of Manis Lor, Jakarta, September 16, 2011. He showed his marriage certificate to Human Rights Watch.

The Ministry of Religious Affairs told him that they were not authorized to deal with the ID card, and to date Riyan said that he has no ID card and has had difficulties obtaining a marriage certificate. Riyan said in order to register his child's birth certificate he had to register as a Christian because the Civil Registration Office refused to print Baha'i as his religion.<sup>242</sup>

In practice, members of religious minorities often find they are in a catch-22. If the religion column is left blank, which is legally possible in accordance with the 2006 Population Administration Law, government officials accuse them of being an atheist—which is punishable under the blasphemy law. If they select one of the six religions now offered, regardless of their own religious beliefs, they can be accused of falsifying their identity. “The ID card is our daily challenge,” said Soesiana Tri Ekawati, a national Baha'i leader in Jakarta, adding that many Baha'i members have been pressured by government officials to select the Islam option in Muslim-majority areas, or the Christianity option in Christian-majority areas.<sup>243</sup>

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<sup>242</sup> Human Rights Watch interview with Riyan Irfanus, Metro, Lampung, October 17, 2011.

<sup>243</sup> Human Rights Watch interview with Soesiana Tri Ekawati, Bandar Lampung, October 17, 2011.

## **IV. State Failure to Protect Religious Minorities from Violence**

They dragged me out of the water. They held my hands and cut my belt with a machete. They cut my shirt, pants and undershirt, leaving me in my underwear. They took 2.5 million rupiah (US\$270) and my Blackberry. They tried to take off my underwear and cut my penis. I was laying in the fetal position. I tried to protect my face but my left eye was stabbed. Then I heard them say, “He is dead, he is dead.”

– Ahmad Masihuddin, 25, injured in mob attack on Ahmadiyah gathering in Cikeusik, western Java, on February 6, 2011, after police present at the scene fail to intervene.<sup>244</sup>

The Indonesian government at the national and local levels repeatedly has failed to protect—either through law enforcement, deterrent measures, or prosecutions—minority religious communities under threat or attack from militant Islamist groups. Militant groups have either been directly involved in attacks on minority houses of worship or have incited mobs of local residents or groups of thugs to commit such violence. At times with the assistance of heads of local administrative units such as Rukun Tetangga (Neighborhood Associations) and Rukun Warga (Citizen Associations), Islamist leaders have organized protests designed to intimidate or threaten prayer meetings and other religious gatherings.<sup>245</sup>

There are both political and bureaucratic reasons for the Indonesian government’s failure to fulfill its legal obligations to protect Indonesia’s minority religions from threat or attack from militant Islamist groups.

The unwillingness of Indonesian authorities to forcefully intervene to prevent violence against religious minorities or prosecute those responsible can make the government responsible for continuing abuses. The UN Human Rights Committee states in its General

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<sup>244</sup> Human Rights Watch interview with Ahmad Masihuddin, Jakarta, September 10, 2011.

<sup>245</sup> The Rukun Tetangga, or Neighborhood Association, first set up during the Japanese occupation during World War II, is the lowest level administrative body in Indonesia. Each Rukun Tetangga has 10 to 20 families. Each Rukun Warga, or Citizen Association, consists of around 5 to 10 Rukun Tetangga.

Comment 31 on the legal obligations of states that a “fail[ure] to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused ... by private persons or entities” in which Covenant rights are infringed upon, may give rise to violations by the state.<sup>246</sup> In addition, when rights are violated, the state “must ensure that those responsible are brought to justice. As with failure to investigate, failure to bring to justice perpetrators of such violations could in and of itself give rise to a separate breach of the Covenant.”<sup>247</sup>

In some areas of Indonesia, the intimidation and threats against religious communities by Islamist groups have persisted over time, with little effort from government officials to curtail the violations. Of particular note is the continued coddling of the Islamic Defenders Front (Front Pembela Islam, FPI), which has engaged repeatedly in acts of violent vigilantism. As the International Crisis Group noted: “[N]ot only have the governor of Jakarta, the ... national police [chief] and the religious affairs minister all appeared at FPI events, but the ... police chief appeared to welcome FPI as a partner in maintaining law and order in Jakarta. Taking on allies known for their intolerance is not the way to inculcate religious harmony.”<sup>248</sup>

Members of Christian and other minority religions interviewed by Human Rights Watch said that they felt under constant pressure from militant groups, the Indonesian Ulama Council, the Ministry of Religious Affairs, certain police officers, and local government officials. They said this pressure drove some members of minority religions to stop worshipping or abandon their houses of worship.

When religious minorities seek to have their rights enforced, local authorities and the police may instead try to compel all sides to reach an “amicable solution.” The National Police in Jakarta told Human Rights Watch, “We invite all religious figures to make a deal.”<sup>249</sup> Yet such arrangements frequently mean that religious minorities are pressured to forsake rights due to them. For instance, to satisfy security concerns raised by government officials or the police, religious minorities will be asked to move from their respective areas.

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<sup>246</sup> Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 8.

<sup>247</sup> Ibid., para. 18.

<sup>248</sup> International Crisis Group, “Indonesia: “Christianization” and Intolerance,” Asia Briefing no. 114, November 24, 2010, p. 17.

<sup>249</sup> Police are working with KontraS, a human rights organization in Jakarta, to develop a police manual on dealing with religious freedom violations. The program is assisted by the UK government. Human Rights Watch met five Indonesian National Police generals in Jakarta on November 9, 2011, and discussed the initiative, among other topics.

Human Rights Watch documented 10 cases where police failed to investigate complaints of violence against religious minorities. On the few occasions where authorities have made arrests, it has been mostly because of intense media coverage. In nine cases documented by Human Rights Watch, including the attack and burning of HKBP Ciketing church in Bekasi and the arson attacks against four churches in Kuantan Singingi, Riau, the police investigations were woefully inadequate. While some arrests were made, other suspects were not properly investigated.

Among the cases investigated by Human Rights Watch, in only one did local authorities respond appropriately to violence against a religious minority. After Islamist militants burned three churches and a Christian school in Temanggung in February 2011, the local government immediately distanced themselves from the assailants. Central Java police dispatched hundreds of officers to restore order and arrest the perpetrators.<sup>250</sup>

## Police Siding with Islamist Militants

Police at times have sided with Islamist militants at the expense of the rights of religious minorities ostensibly to avoid violence. After an act of incitement or physical attack by Islamists, instead of investigating and prosecuting those responsible, police have sometimes tried to convince the religious minority targeted by the attack to leave the area or close their houses of worship in the interests of public order. For instance, an Ahmadiyah imam in Sukadana, Campaka district, Cianjur, told Human Rights Watch that the police urged him to leave Sukadana because his presence would upset Muslims and might lead to violence.<sup>251</sup>

The reasons for police failure to protect religious minorities from physical attack vary from case to case. In some instances, police actively collude with the attackers for religious, economic, or political reasons; in other instances, they lack clear instructions from above or feel outnumbered by militants. In all cases, the poor police response reflects institutional failure to uphold the law and hold perpetrators of violent crimes to account. Some police officers were even involved in openly petitioning the ban of the Shia faith in Madura Island, an obvious break of the Indonesian police regulation, but they were never questioned.

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<sup>250</sup> "Amuk Temanggung, Polisi Kantongi Nama Pelaku," *Vivanews*, February 8, 2011, <http://nasional.vivanews.com/news/read/203559-polisi-kantongi-identitas-pelaku> (accessed March 3, 2012).

<sup>251</sup> Human Rights Watch interview with Rusgandi, Sukadana, Campaka, Cianjur regency, November 6, 2011.

In June 2011, police entered an Ahmadiyah mosque in Sukadana with members of the militant group Islam Reform Movement (Gerakan Reformis Islam, Garis). A video shows Adjunct Police Commissioner Rusnaedi, the Campaka police chief, arriving at the mosque with Garis militants, erecting two large signs stating that Ahmadiyah activities are prohibited.

Mukhtar Assegaf, who runs a Shia school in Bangil that was the scene of a violent attack in February 2011, said that he had reported earlier attacks to the police:

We keep on reporting the stone throwing, the harassment, breaking our windows and even bringing spears, sickles, and bats into our compound, but the police keep on talking about building communication with these thugs.<sup>252</sup>

In Sukadana, Lampung, police sided with Islamist militants against two Baha'i followers. Following pressure from Muslim community members who had signed a letter calling for the Baha'i to convert to Islam or be removed from the village, the East Lampung deputy police chief, Dwi Sulistyawan, and the two Baha'i members, Syahroni and Iwan Purwanto, agreed to have a "*musyawarah*" or "consensus" at the East Lampung police station on June 2, 2010. The Baha'i leaders signed a statement prepared by the police agreeing to stop all Baha'i "economic and religious activities." Police officers as well as officials of the Ministry of Religious Affairs and the Indonesian Ulama Council witnessed the signing of the statement.<sup>253</sup>

In Sampang, Madura, in February 2006, four police officers at the Omben district signed an open statement, asking Madura ulamas to issue a joint fatwa to ban Shiaism.<sup>254</sup> The police officers obviously side with the Sunni majority when the Shia minority complained about the harassment. Later the Sampang police precinct, which supervises the Omben unit, also took part in pressuring Shia clerics to leave their village.<sup>255</sup>

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<sup>252</sup> Human Rights Watch interview with Mukhtar Luthfi, Bangil, September 18, 2011.

<sup>253</sup> "Formal Declaration" signed by Syahroni and Iwan Purwanto on June 2, 2011 with 15 witnesses, including nine Muslim leaders and six government officials. It was also signed by Dwi Sulistyawan, the deputy police chief of East Lampung. The six officials were Police Commissioner Medi Iswanda, Police Adjunct Commissioner Julianto PA, Police Second Inspector M. Faisal, Police Adjunct Commissioner Waryono, First Brigadier Joni Paamsyah, and Second Brigadier Budiyo.

<sup>254</sup> Omben police chief Moh. Sofini signed the petition as did his three subordinates: Sudirman, Suncamin, and Sudirmanto. The "Surat Pernyataan" or "Formal Declaration," dated February 26, 2006, was signed by 40 clerics in Sampang and Pamekasan regencies as well as the four police officers, dated February 26, 2006.

<sup>255</sup> The human rights group KontraS filed a complaint alleging that Sampang police chief Agus Santosa and his staff had improperly pressed for the prosecution Shia cleric Tajul Muluk. See KBR68H, "Kapolres Sampang Dilaporkan ke Propam

Police and local authorities have also used the threat of violent attacks by militant groups to stop religious minority groups from carrying out public prayers and religious activities. At HKBP Ciketing, the police prevented the congregation from accessing church land following the September 4, 2010 stabbing attack on members of the congregation. Church elder, Asia Lumbantoruan said, “The government forced us to move because they said we have to prevent a bloodbath. They said, ‘We won’t be responsible for what happens if you continue to have prayers here.’”<sup>256</sup>

The Bekasi police investigated the stabbing of Asia Lumbantoruan and charged 13 attackers. FPI chairman Murhali Barda, who used his Facebook account to mobilize Muslims to harass the HKBP Ciketing congregation, and Adji Achmad Faisal, who was found to have stabbed Lumbantoruan, were convicted by the Bekasi district court, sentencing them to three to seven-and-a-half months in prison.

## Police Failure to Prevent Violence Despite Warning Signs

In cases documented by Human Rights Watch, local governments and police in Bekasi, Bogor, Cianjur, Kuantan Singingi, Kupang, Sampang, and Sukadana, failed to adequately protect religious minorities who faced persecution or harassment. As noted above, four HKBP congregations in Bekasi have faced frequent intimidation: HKBP Filadelfia in Jejalen Jaya village; HKBP Getsemane in Jati Mulya area; HKBP Pondok Timur Indah in Ciketingarea (better known as HKBP Ciketing); and HKBP Kaliabang in the Kaliabang area, North Bekasi. These four congregations have not been able to use their church buildings because police have failed to protect them from Islamist militant groups.

Asia Lumbantoruan of HKBP Ciketing in Bekasi told Human Rights Watch that on August 1, 2010, FPI members tried to interrupt their Sunday service. The FPI had been using Facebook to mobilize Sunni Muslims in the vicinity to close down the church since early 2010. Lumbantoruan said that on August 1, around 1,000 Islamists and 600 police arrived. The police tried to hold the militants back from the church but failed to prevent

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Mabes Polri,” January 18, 2012, <http://www.kbr68h.com/berita/nasional/18238-kapolres-sampang-dilaporkan-ke-propam-mabes-polri> (accessed June 27, 2012). But Budi Santosa, the Sampang police chief, was transferred to Magetan, East Java, to head the precinct there in October 2011. See KediriJaya, “Mutasi Besar-besaran di Polda Jatim dan Jajaran,” October 21, 2011, <http://www.kedirijaya.com/2011/10/21/mutasi-besar-besaran-di-polda-jatim-dan-jajaran.html> (accessed June 27, 2012).

<sup>256</sup> Human Rights Watch interview with Asia Lumbantoruan, Bekasi, September 13, 2011.



them from attacking the church, resulting in more than 30 injuries. Lumbantoruan told Human Rights Watch:

There was pushing and many of us fell. When we fell, they [the Islamists] ran forward and trampled and beat us, including the two reverends. When one reverend was being beaten, the police were just looking. We gave the police the names of those responsible. The police did nothing.<sup>257</sup>

Lumbantoruan also described how young men on motorbikes stabbed him and attacked a female minister on September 4, 2010. Police again stood by as the violence unfolded, only to intervene after the attack had begun, failing to prevent an escalation or make any immediate arrests of perpetrators. Lumbantoruan said:

A motorcyclist came down the road and tried to hit me. When I looked down I saw that I was bleeding. The police were 100 meters away. The attackers also had friends nearby. They attacked and beat the Reverend Luspida Simanjuntak until she was on the ground. The police put me and the reverend on a police motorcycle. The thugs pulled her off the motorcycle and hit her three times with a wooden stick. The police sped off with us on the back, leaving the congregation behind.<sup>258</sup>

The harassment and attacks, combined with the congregants' knowledge that the police would do little to protect them, has made some individuals are too frightened to participate in religious events. Lumbantoruan said:

Our congregation used to be 500 people, but as the pressure and harassment got too much, people stopped going to church and started to pray elsewhere. The numbers reduced significantly because the government has kept on telling us to leave and put us in different buildings and kept on having us change our location.<sup>259</sup>

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<sup>257</sup> Human Rights Watch interview with Asia Lumbantoruan, Bekasi, September 13, 2011.

<sup>258</sup> Ibid.

<sup>259</sup> Human Rights Watch interview with Asia Lumbantoruan, Bekasi, September 13, 2011.

Police commissioner Herry Wibowo, a former Bekasi police chief and now an officer at the internal branch of the National Police, told Human Rights Watch that police have sometimes failed to protect religious minorities in Bekasi but claimed that ensuring their protection is difficult because there are more than 300 Christian churches in the region:

The police provide protection to all these churches every Sunday. In Tambun district, we provided protection to the HKBP Filadelfia for one year. Next door to the church is a *madrasah*. If there is a Sunday mass, the noise provokes people [in the *madrasah*] who cannot tolerate the sound.<sup>260</sup>

In 2010, HKBP Filadelfia began to hold Sunday services on the street and faced weekly harassment. On January 26, 2012, an Islamist group led by Haji Naimun began to use four large loudspeakers, blaring Arabic-language Islamic music into the HKBP Filadelfia service only meters away. Rev. Palti Panjaitan said the congregation could barely hear their own hymns. According to Panjaitan:

They were shouting and yelling, “Close the church! Go away! There must not be a church here!” or “Batak Pigs!” Their numbers continued to increase each week. On a Saturday night, they dumped dead chicken, cow dung and rotten eggs. We told the police and they said they knew who the perpetrators were. They did nothing.<sup>261</sup>

The most brutal attack was on an Ahmadiyah group in Cikeusik, Banten province, western Java. On February 6, 2011, 1,500 Islamist militants attacked 21 members of the Ahmadiyah community outside a house in Umbulan hamlet. Three Ahmadiyah men were killed and five were injured.

The attack was captured on video by an Ahmadiyah wedding videographer, Arif Rachman, which was later posted on the website YouTube.<sup>262</sup> The 28-minute video and Human Rights

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<sup>260</sup> Human Rights Watch meeting with several police officers, including commissioner Herry Wibowo, at the National Police headquarters in Jakarta, November 9, 2012.

<sup>261</sup> Human Rights Watch interview with Rev. Palti Hartoguan Panjaitan, HKBP Filadelfia pastor, Jakarta, February 29, 2012.

<sup>262</sup> Videographer Arif Rachman handed over the video of the deadly attack to some Ahmadiyah activists in Jakarta who later gave it to Metro TV. But Metro TV decided not to broadcast the video. The activists then asked a Jakarta journalist to upload the video on YouTube. Police and prosecutors used the video in their investigation. See Andreas Harsono, “Indonesia’s Religious Violence: The Reluctance of Reporters to Tell the Story,” *Nieman Reports*, Fall 2011,

Watch interviews with survivors shows that local police were present at the scene prior to the attack, but many of them left soon after the crowd descended on the Ahmadiyah, leaving the group vulnerable. The mob attacked the Ahmadiyah men with stones, sticks and machetes while they chanted and shouted anti-Ahmadiyah slogans.

A 25-year-old Ahmadiyah man told Human Rights Watch:

After breakfast a police officer came to our house and told us there was going to be a demonstration. Our expectation was 100 to 200 people. When the police came out of the house the mob already reached a nearby bridge. It was 10 a.m.. I thought the police would stop them, but the mob entered the house and the police did nothing. The group shouted, “You are infidels! You are heretics!” We decided to defend ourselves. But we were outnumbered.<sup>263</sup>

Another Ahmadiyah man, Ahmad Muhamad, described to Human Rights Watch how he saw police equipped with riot control shields, sticks, and teargas leave the scene as the mob approached the house. Others reported the presence of a handful of officers who were present during the most brutal moments of the attack. Some of these police officers remained at the scene, but their meager number and their actions were inadequate to contain the attackers.

The video shows that the handful of police who witnessed the attack did little to stem the violence. They were just meters away during the killing of two of the men. One officer, Cikeusik police chief Madsupur, held up his hands to stop the crowd as they approached the Ahmadiyah house.<sup>264</sup>

However, two officers did intervene to protect five of the Ahmadiyah after three others had been bludgeoned to death. Muhammad Ahmad was beaten with bamboo sticks on his face, badly fracturing his jaw:

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<http://www.nieman.harvard.edu/reports/article/102685/Indonesias-Religious-Violence-The-Reluctance-of-Reporters-to-Tell-the-Story.aspx> (accessed July 22, 2012).

<sup>263</sup> Human Rights Watch interview with an Ahmadiyah man, Jakarta, September 10, 2011.

<sup>264</sup> YouTube video posted by Andreas Harsono, “Anti-Ahmadiyah Violence in Cikeusik,” February 6, 2011, <http://www.youtube.com/watch?v=UgY6N6Qe5EA&list=UUCcIbzQxO11n4dMB6ZSpyCg&index=2&feature=plcp> (accessed July 22, 2012).

The mob used their hands, sticks and machetes to bash my jaw. They hit my left leg with a machete and the back of my head with a machete. Some wore turbans on their heads and others were in white clothes and other FPI accessories. They told me to recite the shahadah [Muslim prayer].<sup>265</sup> I did and when I did, they said, “Don’t attack! He is a Muslim!”

He described how individual officers arrived at the scene and ferried him away:

Suddenly a man used his body to protect me. By then the police had arrived. They threw me inside a police car and the driver drove away so fast. I think he [the driver] was saving himself from the mob, not me.<sup>266</sup>

After the attack, some police were less than sympathetic to the victims. An Ahmadiyah woman told Human Rights Watch, “We were later evacuated to the Pandeglang police station and stayed there for three days. A Brimob [Mobile Brigade] officer told us, “You village idiots! You changed religion only for Sarimie [material gain]!”<sup>267</sup>

The week following the attack, the National Police summoned Banten province police chief Brig. Gen. Agus Kusnadi and Pandeglang regency police chief Commissioner Alex Fauzi Rasad for questioning in Jakarta. The National Police conducted an internal investigation into the Cikeusik violence. At this writing, almost two years since the attack, the police have not announced the results of their investigation. Only three low-ranking officers were scheduled to be tried in Pandeglang on charges of being negligent in their duties. They allegedly just watched the brutal attack, smoking.<sup>268</sup>

During the Temanggung riots in Central Java in February 2011, police responded quickly to anti-defendant violence that erupted following the sentencing of a controversial religious

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<sup>265</sup> The shahadah is the basic creed of Islam that must be recited under oath: “I testify there are no deities other than God alone and I testify that Mohammad is the Messenger of God.” Muslims must repeat the shahadah in prayer, and non-Muslims wishing to convert to Islam are required to recite the creed. Ahmadiyah also recite the shahadah.

<sup>266</sup> Human Rights Watch interview with Ahmad Muhamad, a witness to the Cikeusik attack, Jakarta, September 10, 2011.

<sup>267</sup> Human Rights Watch interview with Ahmadiyah woman, 35, of Cikeusik village, Jakarta, September 10, 2011. Sarimie is an Indonesian brand of instant noodles; the term is used derogatorily for people who change their religion due to material incentives, for instance, better schools, financial assistance, or food.

<sup>268</sup> “Korban Tragedi Cikeusik masih Trauma,” *Berita Satu*, February 6, 2012, <http://www.beritasatu.com/mobile/nasional/30110-korban-tragedi-cikeusik-masih-trauma.html> (accessed March 18, 2012).

preacher and former Catholic, Antonius Richmond Bawengan, who was convicted of blasphemy against Islam. Police managed to evacuate judges and prosecutors from court, where a mob of hundreds of people had gathered chanting, “Kill! Kill!” Islamist militants who had been in the courtroom began burning tires outside the court house and then started targeting Christian sites.

Witnesses told Human Rights Watch that militants vandalized four churches, one Christian school, and burned several motorcycles and cars. They entered the Santo Petrus Paulus Catholic church, smashing stained glass windows, and destroying equipment and religious statues.<sup>269</sup>

The Central Java police immediately deployed hundreds of anti-riot officers to Temanggung. Maj. Gen. Edward Aritonang, the Central Java police chief, ordered his men to investigate the ringleaders who used text messages to mobilize the gathering at the Temanggung district court.<sup>270</sup> On February 13, 2011, police arrested Syihabuddin, a Muslim teacher at the al-Hadist school in Temanggung for allegedly mobilizing Muslims to go to the courthouse. Police also arrested 24 other rioters.

On June 14, 2011, the Semarang district court convicted Syihabuddin of incitement, sentencing him to one year of imprisonment. Sixteen other rioters were sentenced to between 5 to 10 months’ imprisonment.<sup>271</sup>

National Police officials in Jakarta told Human Rights Watch they uphold religious freedom, including the right to worship, saying that it is the constitutional right of all Indonesian citizens. Police referred to cases they had investigated such as a stabbing in Bekasi, providing security to help guard churches on Sundays, and working quickly to anticipate violence at an Ahmadiyah mosque there. But they also asserted that they get no support

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<sup>269</sup> The institutions vandalized include the Indonesian Bethel Church (Gereja Bethel Indonesia, GBI) and its Shekinah school; the Temanggung Pentecost Church (Gereja Pantekosta Temanggung) where rioters burned two cars parked inside the compound; and the Santo Petrus Paulus Catholic church. Human Rights Watch phone interview with Dwinugraha Sulistia MSF, pastor of the St. Petrus Paulus, Temanggung, January 27, 2012.

<sup>270</sup> “Kapolda: SMS Undangan Dakwah, Pemicu Rusuh Temanggung,” *Solopos*, February 8, 2011, <http://www.solopos.com/2011/channel/jateng/kapolda-sms-undangan-dakwah-pemicu-rusuh-temanggung-85182> (accessed February 27, 2012).

<sup>271</sup> “Terima Vonis, Syihabudin Batal Ajukan Banding,” *Republika*, June 21, 2011, <http://www.republika.co.id/berita/nasional/hukum/11/06/21/ln46ya-terima-vonis-syihabudin-batal-ajukan-banding> (accessed Jan. 6, 2012).

from politicians, who prefer to cater to voters. Brig. Gen. RM Panggabean, the deputy of the legal division at the National Police, told Human Rights Watch:

In Cikeusik we underestimated the problem. There were so many attackers. We were outnumbered. We have to learn from these mistakes. We have taken disciplinary action. Those officers were demoted and transferred.<sup>272</sup>

## Blaming Religious Minorities

In a number of cases investigated by Human Rights Watch, police threatened or charged members of religious minorities with blasphemy or incitement, claiming their peaceful worship or public expression of their beliefs was responsible for mob violence. In other cases, police failed to intervene or pressured the minority community to stop their religious practices to avoid violence. In Cikeusik, First Inspector Hasanuddin, the Cikeusik police intelligence chief, testified in the Serang district court that it was *the refusal of the Ahmadiyah men to leave the house where they had gathered that provoked the deadly attack on them*.<sup>273</sup> Police were quick to file charges against Deden Sujana, the Ahmadiyah security advisor, claiming that he disobeyed police orders by refusing to leave the house and for assaulting a militant who was threatening the Ahmadiyah with a machete.

In the June 2010 Lampung case where a mob stoned Baha'i houses, the lawyer for the two Baha'i men stated, "The Baha'i members reported the intimidation to the police but got no response." Instead, the East Lampung police detained the two Baha'i men for questioning relating to their alleged effort to convert Muslim children to Baha'ism.<sup>274</sup>

In the case of alleged atheist Alexander "Aan" An, on January 18, 2012, more than a dozen men came to his office and accused him of blasphemy. Some of the men beat Aan, prompting a police patrol to stop and bring Aan to the Dharmasraya police station. Aan was later charged with blasphemy, while no action was taken against the men who beat him up. Aan, who grew up as a Muslim, told Human Rights Watch:

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<sup>272</sup> Human Rights Watch interviews with five Indonesian National Police generals, Jakarta, November 9, 2011. Brig. Gen. RM Panggabean chaired the meeting.

<sup>273</sup> "Polisi: Ahmadiyah Menyerang Lebih Dulu," *Vivanews*, May 3, 2012, <http://nasional.vivanews.com/news/read/218218-polisi--ahmadiyah-menyerang-lebih-dulu> (accessed March 15, 2012).

<sup>274</sup> Human Rights Watch interview with lawyer Yulius Setiarto, Jakarta, September 13, 2011.

Facebook automatically makes our account a public one. Everyone can read the posting on my Facebook wall. I never want to discredit Islam. Of course I talk mostly about Islam because I know Islam more than other religions.<sup>275</sup>

Perhaps the most emblematic recent case of police blaming religious minorities is that of Shia cleric Tajul Muluk, who was convicted of blasphemy. For years, the Shia community in Nangkernang village, Omben district, Sampang regency, has faced problems from government and religious authorities. In February 2006, 40 Sunni clerics and four police officers signed a public statement declaring that Shia Islam is heretical. The statement mentions two meetings that they had organized with Shia clerics in which the Shia were told to return to Sunni Islam but refused to do so. The statement calls on law enforcement agencies to enforce the blasphemy law against Tajul Muluk. “We’re calling all four MUIs in Madura to issue a joint fatwa about the danger of the Shia teaching that doubts the originality of the Holy Quran, the justice of the companions of the Prophet, and excessive reverence to Ahlul Bait,” the statement says. They named their group the Ulama Consensus Forum (Forum Musyawarah Ulama, FMU). The first FMU signatory was Ali Karrar, the senior cleric in Proppo, near Omben.<sup>276</sup>

The statement was the first step in an ongoing campaign against Shia in Sampang. In 2009, Tajul Muluk had a disagreement with his younger brother Roisul Hukama, which led Roisul to join the anti-Shia campaign in Madura. In July 2011, police and Sampang officials persuaded Tajul Muluk to flee his village, Nangkernang, and provided him with financial assistance to leave. He slept in the Sampang police station for a week from July 23 till August 7, 2011.

Throughout 2011, Islamist militants stepped up the campaign of harassment and intimidation against Shia in the Nangkernang hamlet. For instance, on December 6, 2011, when celebrating Ashura, a day of spiritual significance for Shia, Sunni militants tried to prevent some 60 Shia residents from leaving their hamlet by blocking the road. Sunni villagers brandishing sickles threatened to kill them and asked them to leave the village.

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<sup>275</sup> Human Rights Watch interview with Alexander An, Sijunjung prison, April 9, 2012.

<sup>276</sup> The “Surat Pernyataan” or “Formal Declaration,” dated February 26, 2006, was signed by 40 clerics in Sampang and Pamekasan regencies as well as four police officers of the Omben district police station. The 40 clerics all have titles “kyai haji,” which means that all of them had gone to Mecca and Medina as pilgrims (“haji”) and all are teachers at Islamic boarding schools (“kyai”).

Shia leader Iklil al Milal says he asked the police to take action to end the threats, but the police did not act.<sup>277</sup>

On December 29, 2011, Sunni militants attacked the Nangkernang hamlet, burning houses and the madrasa, causing around 500 Shia residents to flee.<sup>278</sup> Police arrested and charged only one of the militants for the arson attack, and instead focused their efforts on pressuring Shia clerics, including Tajul Muluk and Iklil al Milal, to leave Nangkernang. The Ministry of Religious Affairs in Sampang also said it would “supervise” hundreds of Shia to ensure they learn Sunni Islam, based on the ministry’s assumption that the solution to religious harmony is for Shia conversion to Sunnism.<sup>279</sup>

It was Tajul Muluk who ended up in jail, charged with blasphemy and “unpleasant acts.” The tactic of blaming and putting responsibility on members of religious minorities, who are targeted by militants, is commonly used by Islamist groups and their supporters. On July 12, 2012, the East Java court sentenced Tajul Muluk to four years imprisonment for blasphemy.

The Shia community in Sampang Regency, East Java pleaded for police protection during the Ramadan fasting month in August 2012, warning that Shia communities in the area might be attacked by Sunni militants at the end of Ramadan on August 20, 2012. The police ignored their warnings. On August 26, 2012 hundreds of Sunni militants associated with the Ulama Consensus Forum attacked Shia homes in the Sampang village of Nangkernang. Those militants burned down around 50 Shia houses, killing one man and seriously injuring another.<sup>280</sup> Several police officers on the scene stood by during the attack, refusing to intervene.<sup>281</sup> Sampang Regent Noor Tjahja has responded to criticism

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<sup>277</sup> Human Rights Watch interview with *madrasah* assistants Ali Mullah and Mohammad Zaini, Nangkernang, September 19, 2011.

<sup>278</sup> You Tube account hariris8, “Aksi Pembakaran Kelompok Syiah oleh Sunni di Sampang Madura,” December 29, 2011, <http://www.youtube.com/watch?v=362RWe8HozQ> (accessed December 29, 2011).

<sup>279</sup> It’s a view commonly aired by Sunni clerics in various documents issued in 2006-2012. Minister of Religious Affairs Suryadharma Ali reiterated this view when having a meeting with the parliament on September 5, 2012. Ali said, “The best solution for what has been going on in there is dialogue. Many things can happen after a dialogue. We had an experience where the Ahmadis [...] converted to mainstream Islam after dialogue.” It was a reference to Ahmadis who were pressured to become Sunnis. See “Shia conversion is solution: Minister,” *Jakarta Post*, September 6, 2012, <http://www.thejakartapost.com/news/2012/09/06/shia-conversion-solution-minister.html> (accessed September 9, 2012).

<sup>280</sup> Sita W. Dewi, “Two Shia followers reportedly killed in Sampang melee,” *The Jakarta Post*, August 26, 2012, <http://www.thejakartapost.com/news/2012/08/26/two-shia-followers-reportedly-killed-sampang-melee.html> (accessed September 4, 2012).

<sup>281</sup> “Kontras: Ada Pembiaran Polisi di Kasus Sampang,” *Tempo*, August 29, 2012, <http://www.tempo.co/read/news/2012/08/29/078426154/Kontras-Ada-Pembiaran-Polisi-di-Kasus-Sampang>



about his inability or unwillingness to protect Shia's in his district by stating "I don't care [about] human rights as long I protect those who voted for me as their leader."<sup>282</sup>

## Failure to Investigate Violence

The Indonesian police have failed to conduct adequate investigations into attacks by Islamist groups against religious minorities. Even when provided evidence such as eyewitness accounts and video or photographic evidence, police routinely fail to arrest those implicated. For instance, in Jejalan Jaya, Bekasi regency, Islamist groups used racist and sectarian remarks to mobilize people to stop the HKBP Filadelfia church from holding its Sunday service. On April 15, 2012, an identified Muslim man threatened to slit the church pastor's throat. A video shows some police officers present but no action was taken against the man.<sup>283</sup>

Courtroom testimony in the Cikeusik case revealed collaboration between local authorities and the Islamists. Witnesses at the trial, including defendant cleric Ujang M. Arif, said that Umbulan village head Mohammad Johar and local Indonesian Ulama Council secretary Ahmad Baghawi had agreed to set February 6 as the date to forcibly remove the Ahmadiyah from Cikeusik. Baghawi himself testified that he had taken part in a meeting to determine the date to expel the Ahmadiyah from Cikeusik. But police did not file a case against either Johar or Baghawi.<sup>284</sup>

Police investigations of the attack were woefully inadequate. While police interviewed the cameraman who filmed the attack and two of the five Ahmadiyah who were seriously injured, they failed to question other Ahmadiyah who were injured or present during the attack or to ask them to testify.

Ahmad Muhamad, a witness to the attacks, said he was not given an opportunity to testify at the trial:

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<sup>282</sup> "Persecution: From Lombok to Sampang," *The Jakarta Post*, September 4, 2012, <http://www.thejakartapost.com/news/2012/09/04/persecution-from-lombok-sampang.html> (accessed September 4, 2012).

<sup>283</sup> Ferry Putra, "Ancaman untuk Pendeta Palti" video, April 19, 2012, <http://vimeo.com/40669418> (accessed June 25, 2012).

<sup>284</sup> "Indonesia: Monitor Trials of Deadly Attack on Religious Minority," Human Rights Watch news release, June 17, 2011, <http://www.hrw.org/news/2011/06/16/indonesia-monitor-trials-deadly-attack-religious-minority> (accessed March 3, 2012).

I might not recognize them one by one, but I could describe the situation. We were just trying to defend our property. Hundreds of Ahmadiyah properties have been destroyed [in West Java] and the government has done almost nothing.<sup>285</sup>

Church elder Asia Lumbantoruan said that after the HKBP Ciketing mob attack, the only official correspondence the church received was a letter from the Ministry of Religious Affairs office in Bekasi instructing the church not to hold services in Ciketing.

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<sup>285</sup> Human Rights Watch interview with Ahmad Muhamad, witness to the Cikeusik attack, Jakarta, September, 10, 2011.

## Arson Attacks in Sumatra

On the island of Sumatra, unidentified assailants burned down four predominantly Batak churches in Kuantan Singingi regency, Riau, in April and August 2011. So far, no one has been held to account for the burning of the four churches.

On April 11, 2011 at around 2 p.m., five or six men entered the Santo Antonius church in Taluk Kuantan town. They destroyed the gate, sprayed gasoline inside the church, burned the building, and destroyed furniture and equipment. A witness told Human Rights Watch, “It burned for about one hour. The fire brigade didn’t come until it was too late.”<sup>286</sup>

The local regent, Sukarmis, visited the church the next day, assigning a police company to help clean up the debris. Just four days before, Sukarmis had won a local election against an Islamist candidate partly because of the support of Christian voters from rural areas in Kuantan Singingi.<sup>287</sup> Police arrested 21 young men for the April 11 arson attack but none were ever charged.<sup>288</sup>

The failure of the authorities to immediately take action against those responsible for the attack may have encouraged further violence against churches in the area. On July 31, 2011, the Batak Karo Protestant Church (Gereja Batak Karo Protestan, GBKP) in Logas, Tanah Darat district, about an hour’s drive from Taluk Kuantan, was attacked by a mob.

The church is located inside a remote palm oil plantation with around 50 Batak families living in the community. Church elder Salmon Ketaren stated, “It was almost

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<sup>286</sup> Human Rights Watch interview with Herida Sinaga, a vendor whose stall is near the Santo Antonius church, Taluk Kuantan, October 21, 2011.

<sup>287</sup> On April 14, 2011, the election commission announced its final tally: Sukarmis won with 82,504 votes (54 percent) and Mursini received 69,600 (45 percent). See Riau Terkini, “Pleno KPU Kuansing Tegaskan Kemenangan Sukarmis,” April 14, 2011.

<sup>288</sup> The St. Antonius church catechist, Petrus Sakur, who witnessed the attack, said he believes the arson was in retaliation against the Batak association in Kuantan Singingi for having openly supported Sukarmis. Human Rights Watch interview with Petrus Sakur, Taluk Kuantan, October 21, 2011.

midnight. Suddenly the mob arrived. Stones were thrown against the roof. I went out and saw motorcycles outside.” One motorcyclist took out a machete and threatened to kill Ketaren. He ran away. The mob burned down the wooden church.<sup>289</sup>

Less than 24 hours later, a mob burned down the Pentecostal Church in Indonesia (Gereja Pentakosta di Indonesia, GPDI) in Pangean district, about three kilometers away from the GBKP church, according to Lasni Simanjuntak, who lives next door. She said, “A Honda motorcyclist hit the front door. They turned benches and partitions upside down. I heard people shouting, ‘Allahu Akbar’ [God is great].” She immediately told her husband and children to flee. From their hiding place, they saw their home get burned to the ground.<sup>290</sup>

The next night, on August 2, a mob attacked the Methodist Church in Indonesia (Gereja Methodist Indonesia, GMI) in Pangean district, around 200 meters from the burned Pentecostal church. Farmer Dimer Siregar, who witnessed the attack, said, “They collected benches inside the church and burned them.”<sup>291</sup>

Police questioned church officials at the police station. John Saprianto Purba of the Methodist church said he saw the police arrest and then release one teenager with his Vixen Yamaha motorbike. Purba said he asked the police why the youth was released, and according to him, the officer replied:

We want to uphold the law. We’re doing it. We arrested and questioned him. But if we’re to keep him here, this police precinct will be burned to the ground.<sup>292</sup>

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<sup>289</sup> Human Rights Watch interview with Salmon Ketaren of the Batak Karo Protestant Church, Taluk Kuantan, October 22, 2011.

<sup>290</sup> Human Rights Watch interview with Lasni Simanjuntak of the Pentecostal Church in Indonesia, Taluk Kuantan, October 22, 2011.

<sup>291</sup> Human Rights Watch interview with Dimer Siregar of the Methodist Church in Indonesia, Taluk Kuantan, October 22, 2011.

<sup>292</sup> Human Rights Watch interview with John Saprianto Purba of the Methodist Church in Indonesia, Taluk Kuantan, October 22, 2011.

## Judicial System Failures

Indonesia's criminal justice system has proven ineffectual in prosecuting cases of violence against religious minorities. Cases rarely reach the courts and, when they do, prosecutors and judges have appeared prejudiced against individuals and groups from religious minorities, while showing unjustifiable leniency towards Islamist militants implicated in serious criminal offenses.

In the Cikeusik attack, which claimed the lives of three Ahmadiyah men, prosecutors did not charge any of the defendants with murder or manslaughter, but only with lesser crimes including assault causing death, inciting public disorder, and maltreatment (less serious than assault), participating in assault, and illegal possession of sharp weapons. Although assault resulting in death carries a maximum penalty of 12 years' imprisonment, at trial prosecutors recommended sentences of only seven months or less, saying that the sentences should be reduced since the Ahmadiyah members partly provoked the attack and filmed and distributed videos of the attack. In the end, 12 perpetrators were convicted and received sentences ranging from three to six months in prison.

Deden Sujana, the Ahmadiyah man later charged with provoking the attack, was the only Ahmadiyah member asked to testify. He was berated by a judge about his faith and his motivations in going to Cikeusik that day, a scene videotaped and available on YouTube.<sup>293</sup> Responding to a question from the judges, prosecutors claimed they could not find the addresses of other witnesses, although two of them later testified at Sujana's trial.

The judges allowed defense lawyers to ask inappropriate and irrelevant questions of some witnesses—such as questions probing the religious faith of Sujana—in an apparent effort to intimidate them. Outside the courtroom, a lawyer for the defendants said that Sujana must be "bullied till he shits" ("*digencet hingga mencret*"), but suffered no rebuke from the court.<sup>294</sup>

By contrast, in the separate trial against Sujana for his alleged role in provoking the attack, prosecutors were much more aggressive. They called for Sujana to be sentenced to at least

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<sup>293</sup> Cikeusik Trial on YouTube, "Cikeusik Trial - Session VII - May 31, 2011," uploaded on June 6, 2011, [http://www.youtube.com/watch?v=5ryhfl\\_no3l](http://www.youtube.com/watch?v=5ryhfl_no3l) (accessed June 12, 2012).

<sup>294</sup> "Letter to Judiciary Commission regarding Ahmadiyah trials," Human Rights Watch news release, June 17, 2011, <http://www.hrw.org/news/2011/06/16/indonesia-letter-judiciary-commission-regarding-ahmadiyah-trials> (accessed June 12, 2012).

six years in prison, on charges of provocation, disobeying police orders, and maltreatment. In the end, Sujana was sentenced to six months in prison, the same as the maximum sentence imposed on the 12 perpetrators of the deadly attack.<sup>295</sup>

An important explanation for the prosecution's bias in criminal cases involving religious minorities is the strong presence of Bakor Pakem in public prosecutors' offices. This presence maintains a channel between the prosecution office and religious establishments like the Indonesian Ulama Council.

For instance, when three defendants were on trial in April 2011 for the burning of an Ahmadiyah mosque, schools, and houses in Cisalada, Bogor, a cleric from the Bogor office of the Indonesian Ulama Council told Bogor prosecutors that if the three young men were not acquitted, "... there will be problems later."<sup>296</sup> Judges found them guilty, but only sentenced them to between four and six months, and they were immediately released due to time already served in detention.<sup>297</sup>

In some instances, local authorities offered compensation to churches that have been destroyed in lieu of serious investigations and prosecutions. In Kuantan Singingi, Riau, according to church elders, district government officials offered financial assistance to the three burned churches. District officials reportedly offered 5 million rupiah (US\$500) to each church if they signed a "peace agreement" (*perjanjian damai*), promising that the three churches would not file a lawsuit against the government or the alleged perpetrators. Church elders refused to sign. The government and police did not try to investigate or prosecute the arsonists responsible for the destruction of the four churches.<sup>298</sup>

In the 2011 Baha'i case in Sukadana, Islamist militants from Forum Umat Islam loudly and visibly pressured the court. Defense lawyer Yulius Setiarto believes this influenced the verdict and wrote in his appeal to the Supreme Court, "It can be seen from their flags,

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<sup>295</sup> Indonesian Assault Victim Gets Harsher Sentence Than His Attackers," *New York Times*, August 15, 2011, <http://www.nytimes.com/2011/08/16/world/asia/16indonesia.html> (accessed June 12, 2012).

<sup>296</sup> "Young Attackers of Cisalada Ahmadiyah Sent to Prison," *Jakarta Globe*, April 14, 2011 <http://www.thejakartaglobe.com/home/young-attackers-of-cisalada-ahmadiyah-sent-to-prison/435301> (accessed June 27, 2012).

<sup>297</sup> Ibid.

<sup>298</sup> Human Rights Watch interview with nine church elders, Kuantan Singingi, October 22, 2011: Ketua Trima Ketaren; Makmur Tarigan; Abjon Rianto Sitinjak; Dimer Siregar; Maralop Sitorus; Salmon Ketaren; Lasni Simanjuntak; Goklas Mian Tambunan; and Jon Saprianto Purba.

banners, and headbands. Some of the mob sat on the courtroom benches, creating noisy remarks during the trial sessions.”<sup>299</sup> Setiarto said the protesters had also heckled the defense lawyers, making comments suggesting the violence was justified by Islam, without a response from the court: “They said that our blood is halal.”<sup>300</sup>

Video recordings of the trial, outside the courtroom, show the protesters with banners reading “Baha’i infidel” and “Prosecutors don’t be afraid, we’re all behind you.”<sup>301</sup> The judges took less than a day to reach a guilty verdict, when judges in Indonesia usually take two weeks to write the verdict.

Another example was the sentence that the Sampang court had made on a Sunni villager who was involved in the deadly attack of the Shia hamlet. It only sentenced Saripin, a Nangkernang villager, eight months imprisonment.<sup>302</sup> It was a blatant contrast to Shia cleric Tajul Muluk, whose house was burned, whose family was forced to live in exile, whose friend was killed in the attack, and Muluk was sentenced for blasphemy to four years imprisonment.

## Recent Attacks on Freedom of Expression

The Indonesian government’s failure to rein-in violence by Islamist militants has had a knock-on negative impact on free expression. The police and other authorities who are unwilling to protect religious minorities from attack show the same reluctance to protect artists, writers, and media companies who raise the ire of Muslim groups.

On May 4, 2012, the FPI protested outside the Salihara Theater in Jakarta while Canadian writer Irshad Manji was presenting her new book: *Allah, Liberty and Love*. The protesters surrounded the theater compound and broke down its access gate.<sup>303</sup> The local police chief, Adry Desas Puryanto, responded by unexpectedly entering the theater and informing the

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<sup>299</sup> Setiarto, Yulius, Memori Kasasi Case Number 130/Pid/2010/PN.TK East Lampung district court on behalf of Syahroni and Iwan Purwanto, March 8, 2011, p. 12.

<sup>300</sup> Human Rights Watch interview with lawyer Yulius Setiarto, Jakarta, September 13, 2011. Setiarto also provided a DVD with footage of the protesters in the courtroom.

<sup>301</sup> Lawyer Yulius Setiarto provided the video to Human Rights Watch.

<sup>302</sup> “Pelaku kerusuhan Sampang divonis 8 bulan penjara,” *Merdeka*, January 22, 2013, <http://www.merdeka.com/peristiwa/pelaku-kerusuhan-sampang-divonis-8-bulan-penjara.html> (accessed on January 25, 2013).

<sup>303</sup> “Kronologi Pembubaran Paksa Diskusi Irshad Manji,” *Salihara*, May 5, 2012, <http://salihara.org/community/2012/05/05/kronologi-pembubaran-paksa-diskusi-irshad-manji> (accessed June 28, 2012).

audience that he was stopping the book talk. Puryanto justified the interruption of Manji's talk on the basis that the theater did not have a permit to invite "a foreigner" to talk there. That was a blatant pretext, as there is no provision in Indonesian law requiring foreigners who enter the country legally to obtain a permit before engaging in public speaking. He also cited residents' opposition to Manji on the basis of her reputation as a gay rights activist.<sup>304</sup>

Gadjah Mada University in Yogyakarta later cancelled another scheduled public appearance by Manji, five days after the Jakarta attack, at the campus due to security concerns after "hundreds of Muslims" from various organizations complained to the university president that Manji should be prohibited access to the school.<sup>305</sup>

On May 10, 2012, a group of dozens of men wearing clothing which identified them as members of the extremist Indonesian Mujahedeen Council (Majelis Mujahidin Indonesia, MMI) disrupted a talk by Manji at a Yogyakarta publishing company. The MMI members smashed windows and kicked and punched audience members. One of the attackers reportedly struck Manji's colleague, Emily Rees, with an iron bar, and dislocating one of her vertebrae.<sup>306</sup>

The same week that Islamist groups attacked Manji's book tour, others rallied against the planned June 3, 2012 concert of American pop star Lady Gaga in Jakarta at a sold-out 52,000-seat stadium in Jakarta. A coalition of Islamist groups opposed the concert on the basis that the singer's "sexy clothes and dance moves would corrupt the youth."<sup>307</sup> The FPI threatened to dispatch 30,000 of its members to prevent the concert from occurring.<sup>308</sup> Minister of Religious Affairs Suryadharma Ali supported the Islamist group's opposition to

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<sup>304</sup> Ibid.

<sup>305</sup> "Alasan UGM Larang Diskusi Irshad Manji," *Tempo*, May 9, 2012, <http://www.tempo.co/read/news/2012/05/09/058402711/Alasan-UGM-Larang-Diskusi-Irshad-Manji> (accessed September 2, 2012).

<sup>306</sup> Michael Bachelard, "Lady Gaga concert under threat from Islamic hardliners after attack on author," *Sydney Morning Herald*, May 15, 2012, <http://www.smh.com.au/entertainment/music/lady-gaga-concert-under-threat-from-islamic-hardliners-after-attack-on-author-20120514-1ymyd.html> (accessed September 2, 2012)

<sup>307</sup> "Lady Gaga Cancels Indonesian Show After Threats," *Associated Press*, May 27, 2012, <http://bigstory.ap.org/content/lady-gaga-cancels-indonesian-show-after-threats> (accessed January 25, 2013). Those groups included the Indonesian Ulema Council, the FPI, the Islamic People's Forum (Forum Umat Islam, FUI), the Anti-Misdeeds People's Movement (Gumam), Wahdah Islamiyah, and the Indonesian Culture Institution, as well as the Prosperous Justice Party and United Development Party (PPP).

<sup>308</sup> "Hard-Line FPI Buys 150 Tickets to Stop Lady Gaga Concert," *Jakarta Globe*, May 21, 2012, <http://www.thejakartaglobe.com/home/hard-line-fpi-buys-150-tickets-to-stop-lady-gaga-concert/519194> (accessed June 29, 2012).



the concert, stating that Lady Gaga “indulges in pornography by wearing revealing costumes” and that she would have a “negative influence” on young Indonesians:

Her lyrics indicate that she is also an anti-religious person. During her concerts, Lady Gaga looks like a devil worshipper.<sup>309</sup>

Although the Jakarta police denied that it had capitulated to the demands of the Islamist groups, the concert organizers cancelled the event after police refused to issue a permit for the event on the basis that it “may potentially trigger conflicts.”<sup>310</sup>

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<sup>309</sup> “‘Gaga is a devil worshipper’: Minister,” *Jakarta Post*, May 17 2012, <http://www.thejakartapost.com/news/2012/05/17/gaga-a-devil-worshipper-minister.html> (accessed January 25, 2013).

<sup>310</sup> “Police Threaten to Disperse Lady Gaga’s Jakarta Concert,” *Jakarta Globe*, May 17, 2012, <http://www.thejakartaglobe.com/home/police-threaten-to-disperse-lady-gagas-jakarta-concert/518431> (accessed January 25, 2013).

## V. Role of the International Community

Foreign governments continue to praise Indonesia for its religious tolerance and, while some have raised concerns about attacks on religious minority communities, they have done too little to encourage Indonesian authorities to take decisive action to curb such violence, prosecute perpetrators, or end discrimination by national and local authorities. Donors should also take the necessary measures to ensure that the aid projects, programs, and technical assistance they fund in Indonesia, directly or through multilateral development banks, do not promote or facilitate discrimination or violence on the basis of religion.

On May 23, 2012, during the Universal Periodic Review of Indonesia at the UN Human Rights Council in Geneva, more than 20 countries, including members of the European Union as well as Australia, Brazil, Canada, Japan, Mexico, South Korea, and the United States, raised concerns and issued recommendations to address rising religious intolerance in Indonesia.

Those recommendations included appeals to Indonesia to tackle violence, harassment, and discrimination against minority faiths, ensure that perpetrators of violence against religious minorities are brought to justice, and accept a request by the UN special rapporteur on freedom of religion or belief to visit Indonesia. Some countries urged Indonesia to review laws and policies that restrict freedom of religion, including the 1965 blasphemy law, the decrees on constructing houses of worship and the 2008 anti-Ahmadiyah decree, and to ensure that all such laws and decrees comply with international standards.<sup>311</sup>

Indonesia Foreign Minister Marty Natalegawa responded to the concerns by saying that freedom of religion was guaranteed in Indonesia's constitution. He said there was a "misperception" that Indonesia recognizes "only six official religions: Islam, Catholicism, Protestantism, Hinduism, Buddhism and Khong Hu Chu [Confucianism]," which comes from

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<sup>311</sup> On May 23, 2012, 74 countries took part in the Universal Periodic Review of Indonesia in the UN Human Rights Council, Geneva. The documents submitted in conjunction with the review and a video of the review are available on the UN Human Rights Council website: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Highlights23May2012am.aspx> (accessed June 27, 2012) and the minute of the review [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-7-Add1\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-7-Add1_en.pdf) (accessed Sep. 14, 2012).

an “incomplete reading” of the 1965 blasphemy law. Natalegawa said that the law does not provide official recognition to any religion and that there were many religions in Indonesia.<sup>312</sup>

The previous year, in May 2011, UN High Commissioner for Human Rights Navanethem Pillay had proposed a visit by the UN special rapporteur on freedom of religion or belief to visit Indonesia to investigate the “large number of letters and reports” she received “in recent months concerning violence against members of religious minorities in Indonesia.” She said she was “particularly disturbed by the widespread violence and discrimination reported against the [Ahmadiyah] community, which has included the state-sanctioned closing of Ahmadi mosques, the burning of homes and places of worship, and even physical violence and murder.”<sup>313</sup>

The European Parliament in July 2011 also urged the Indonesian government to invite the UN special rapporteur on freedom of religion and belief to visit Indonesia.<sup>314</sup> So far the Indonesia government has not responded to this request.

## The United States, European Union, Australia, and Other Trade Partners and Donors

A number of world leaders in recent years have praised Indonesia for its “religious tolerance” and as a “model” Muslim democracy. While this may have been meant to encourage the Indonesian government to work harder to promote religious tolerance, such statements only seem to have generated a sense among Indonesia’s leaders that no significant changes in law, policy, or practice are needed:

- In December 2010, Australian Foreign Minister Kevin Rudd, when speaking in Bali, said Indonesia shows the world that Islam and democracy walk in harmony.<sup>315</sup>

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<sup>312</sup> See: Human Rights Council, Universal Periodic Review on Indonesia, “Report of the Working Group on the Universal Periodic Review: Indonesia,” Geneva, July 5, 2012. Marty Natalegawa’s comment was recorded on point 76 p.10.

<sup>313</sup> “UN ‘Disturbed’ by Indonesia’s Religious Violence,” *Jakarta Globe*, May 17, 2011, <http://www.thejakartaglobe.com/home/un-disturbed-by-indonesias-religious-violence/441540> (accessed May 8, 2012).

<sup>314</sup> European Parliament resolution of 7 July 2011 on Indonesia, art. 8 (addressing attacks on minorities) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0341+0+DOC+XML+Vo//EN&language=EN>, accessed May 8 2012).

<sup>315</sup> “Australia claims Islam and democracy in harmony,” *Antara*, December 10, 2010, <http://www.antaranews.com/en/news/1291921080/australia-claims-islam-and-democracy-in-harmony> (accessed June 29, 2012).

- In August 2011, Germany's Christian Democratic Union chairman, Volker Kauder, when visiting Jakarta, spoke about his admiration for Indonesia, which "upholds religious tolerance and harmony."<sup>316</sup>
- In November 2010, US President Barack Obama, when visiting Jakarta, praised "the spirit of religious tolerance that is enshrined in Indonesia's Constitution, and that remains one of this country's defining and inspiring characteristics."<sup>317</sup>
- In February 2011, the United States government expressed its concern about mob violence in Indonesia directed at members of the Ahmadiyah community, while at the same time stating that the Indonesian government's response underlines its commitment to the rule of law and the protection of minority communities.<sup>318</sup>
- In April 2012, British Prime Minister David Cameron, when speaking at a Jakarta's Al Azhar University, said, "What Indonesia shows is that in the world's largest Muslim-majority country, it is possible to reject this extremist threat and prove that democracy and Islam can flourish alongside each other." Cameron added, "This reflects the vital importance in standing up against the despicable violence and persecution of minorities—whether Christians, Ahmadis or others."<sup>319</sup>

The United States is Indonesia's most influential ally. Together with Australia and Japan, it is one of Indonesia's three largest bilateral donors.<sup>320</sup> The Obama administration has raised concerns about violence against religious minorities with the Indonesian government, but has not sufficiently emphasized the need to repeal regulations that

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<sup>316</sup> "President Yudhoyono receives senior German parliamentarian," *Antara*, August 25, 2010, <http://www.antaranews.com/en/news/1282728327/president-yudhoyono-receives-senior-german-parliamentarian> (accessed June 25, 2012).

<sup>317</sup> President Barack Obama, Speech at University of Indonesia, Jakarta, Indonesia, November 10, 2010, <http://www.whitehouse.gov/photos-and-video/video/2010/11/10/indonesia-s-example-world#transcript> (accessed May 8, 2012).

<sup>318</sup> P. Crowley, Assistant Secretary, Bureau of Public Affairs, State Department, Press Statement, "Religious Violence in Indonesia," February 9, 2011, <http://www.state.gov/r/pa/prs/ps/2011/02/156238.htm>.

<sup>319</sup> UK Embassy to Jakarta, "David Cameron's speech at Al Azhar University," April 12, 2012, <http://ukinindonesia.fco.gov.uk/resources/en/news/2012/April/david-cameron-al-azhar-speech> (accessed June 29, 2012).

<sup>320</sup> In 2011-2012, Australian aid to Indonesia will be worth an estimated AUD\$558 million, making Indonesia the largest recipient of Australian aid. See Australian government website: [http://www.dfat.gov.au/geo/indonesia/indonesia\\_brief.html](http://www.dfat.gov.au/geo/indonesia/indonesia_brief.html). Foreign assistance provided by all US agencies save for the Millennium Challenge Corporation (MCC) is reported as US\$180 million for 2012, ([http://www.foreignassistance.gov/OU.aspx?OID=184&FY=2012&AgencyID=0&budTab=tab\\_Bud\\_Planned&tabID=tab\\_sct\\_Peace\\_Planned](http://www.foreignassistance.gov/OU.aspx?OID=184&FY=2012&AgencyID=0&budTab=tab_Bud_Planned&tabID=tab_sct_Peace_Planned)). In November 2011, a five-year, \$600 million Millennium Challenge Corporation compact was signed (<http://www.mcc.gov/pages/countries/program/indonesia-compact>.) In August 2011, a deal by which Japan would provide Indonesia with \$809 million in climate aid was announced: Hisane Masaki, "Japan to give \$809 million climate aid to Indonesia: Pt Carbon," *Reuters*, August 19, 2011, <http://www.reuters.com/article/2011/08/19/us-japan-point-carbon-idUSTRE7712WZ20110819> (accessed May 8, 2012).

facilitate discrimination and violence, or adequately conveyed to Indonesian officials that lack of progress will increasingly impact the bilateral relationship.

The US Commission on International Religious Freedom, a bipartisan US government commission, currently lists Indonesia on its Watch List. It means that Indonesia requires “close monitoring” due to the nature and extent of religious freedom violations that the Indonesian government has engaged in or tolerated.<sup>321</sup>

In July 2011, the European Parliament issued a resolution condemning attacks on Christian and Ahmadiyah properties in Indonesia. It expressed “grave concern at the incidents of violence against religious minorities, particularly Ahmadi Muslims, Christians, Baha’is and Buddhists” and noted that “violations of religious freedom undermine the human rights guaranteed in the Indonesian constitution, including the prohibition of discrimination and freedom of expression, opinion and peaceful assembly.” The European Parliament called on the Indonesian government “to guarantee that the rule of law is implemented and upheld and that the perpetrators of religious violence and hatred are brought to justice.” The European Parliament also called on “Indonesian authorities to investigate allegations of human rights violations by members of the security forces and to prosecute those found responsible, including persons with command responsibility.”<sup>322</sup>

Foreign embassies in Jakarta have been well aware of the growing religious intolerance in Indonesia and have organized seminars and conferences on religious issues. In January 2010, the US Embassy and the Indonesian government co-hosted the Indonesia-US Interfaith Dialogue in Jakarta under the title “Building Collaborative Communities: Enhancing Cooperation among People of Different Faiths.”<sup>323</sup>

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<sup>321</sup> US Commission on International Religious Freedom, Annual Reports on Indonesia 2006-2011, <http://www.uscifr.gov/indonesia.html> (accessed March 19, 2012).

<sup>322</sup> European Parliament resolution on Indonesia including attacks on minorities, July 7, 2011, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0341+0+DOC+XML+Vo//EN&language=EN> (accessed May 8 2012).

<sup>323</sup> Religions for Peace, a YouTube video of the January 25-27, 2010 conference at Hotel Borobudur, Jakarta, <http://religionsforpeace.org/news/press/building-collaborative.html> (accessed March 19, 2012).

In October 2011, the European Union, in partnership with the Nahdlatul Ulama, convened a two-day conference on “Human Rights and Faith in Focus” in Jakarta.<sup>324</sup>

In March 2012, the Iranian Embassy, which represents the largest Shia country in the world, held a conference entitled “The Role and Contribution of Iranian Nation to Islamic Civilization” at the State Islamic University Syarif Hidayatullah in Jakarta. In his opening address, Indonesia’s Deputy Minister of Religious Affairs Nazaruddin Umar told participants that violence against the Shia minority in Indonesia would be solved with “inter-faith dialogue.” Later that month the Canadian Embassy hosted a Jakarta conference, “Religion in Public Spaces in Contemporary South East Asia,” again with the partnership of the State Islamic University Syarif Hidayatullah, in Jakarta.<sup>325</sup>

While conferences and seminars can have limited utility as forums to exchange views on certain issues, they are no replacement for public statements and focused diplomatic efforts seeking changes to discriminatory laws, sectarian institutions, and biased law enforcement that infringe on the rights of religious minorities. A month after the conference on the contribution of the “Iranian nation” to Islamic civilization, Indonesian police arrested a Shia imam in Madura, charged him with blasphemy, and expelled several clerics from their village. The imam, Tajul Muluk, was later found guilty and sentenced to two years’ imprisonment. Sunni militants soon attacked his hamlet, killing one of his colleagues and kicking out hundreds of his members.

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<sup>324</sup> Human Rights Watch attended this conference at Hotel JW Marriot in Jakarta. See European Union External Action website, “Human Rights and Faith in Focus: Indonesia and the EU explore the role of religion in realising rights,” October 24, 2011, [http://eeas.europa.eu/delegations/indonesia/press\\_corner/all\\_news/news/2011/20111024\\_01\\_en.htm](http://eeas.europa.eu/delegations/indonesia/press_corner/all_news/news/2011/20111024_01_en.htm).

<sup>325</sup> Human Rights Watch attended both conferences organized by the Center for the Study of Islam and Society the State Islamic University Syarif Hidayatullah, in Jakarta. See also “The Role and Contribution of Iranian Nation to Islamic Civilization,” March 8, 2012, <http://www.ppim.or.id/main/agenda/detail.php?artikel=20120209160018> (accessed March 19, 2012); Canada Government, “Canadian Ambassador Opens International Conference on Religion in Public Spaces in Contemporary Southeast Asia,” March 13, 2012, [http://www.canadainternational.gc.ca/indonesia-indonesie/highlights-faits/2012/press\\_release-13mar2012-communique\\_presse.aspx?lang=en&view=d](http://www.canadainternational.gc.ca/indonesia-indonesie/highlights-faits/2012/press_release-13mar2012-communique_presse.aspx?lang=en&view=d) (accessed July 24, 2012). Canada holds a special place among Indonesia’s Muslim scholars as some of them studied at Toronto’s McGill University, according to Deputy Minister of Religious Affairs Nazaruddin Umar in his speech at the Canadian Embassy seminar in Hotel Grand Sahid, Jakarta, March 13, 2012.

## VI. Recommendations

### To the Government of Indonesia

#### *To the President*

President Susilo Bambang Yudhoyono has been inconsistent at best in defending the right to religious freedom. The absence of leadership has emboldened groups willing to use violence against religious minorities and the local and national officials who cater to them. Indonesia's constitution explicitly guarantees freedom of religion and decentralization laws leave authority over religious freedom with the central government. What is most needed is the political will to wield that authority. Despite occasional positive rhetoric, however, President Yudhoyono has responded weakly to growing intolerance and acts of violence against religious minorities, has not insisted firmly that national laws be enforced, and has often been unwilling to use his powers as president to see that the laws be enforced.

The president has most often deferred to others when pressed to address attacks on religious minorities. Too often, he has turned a blind eye to hardline groups that engage in such attacks and has said little publicly when other government leaders, notably the minister of religion, make discriminatory statements that fuel such antagonism. Statements of support and appearances by officials at events sponsored by the Islamic Defenders Front (Front Pembela Islam, FPI), which has engaged in repeated acts of violent vigilantism, is a case in point. The result is that religious conflicts and targeting of minority religious groups have worsened over time. And several local officials, whether reflecting their own views or those of important electoral constituencies, have refused to enforce rulings of Indonesia's highest courts.

More decisive leadership is urgently needed. Human Rights Watch supports the call for President Yudhoyono to work with parliament to devise and implement a national strategy on religious tolerance and religious freedom.<sup>326</sup> The effort should be led by an independent national taskforce composed of experts and politically influential individuals committed to religious freedom and not beholden to the existing Ministry of Religious Affairs hierarchy.

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<sup>326</sup> Ibid., p. 18.

The task force should be given a strong mandate and produce a concrete plan of action. Key elements of such a plan of action should include:

- Zero tolerance for attacks on religious minorities. Every attack on religious minority communities should be prosecuted.
- Active measures against local officials who fail to respect court judgments guaranteeing religious freedom, including construction of houses of worship. The task force and President Yudhoyono should work to ensure that obstruction of justice is made grounds for suspending local officials from public office when new local government laws are being drafted, and should press parliament to pass specific contempt of court legislation.
- Review of existing laws, regulations, and decrees on religion to identify provisions at odds with freedom of religion and freedom of conscience, followed by a timetable for revision or repeal of offending provisions.
- National outreach on basic principles of religious freedom and religious tolerance, including education programs disseminated through government media and schools, and stronger policies and responses to incitement to violence targeting religious minorities, including greater clarity on when freedom of expression crosses the line into incitement to criminal violence.

Even before a taskforce is convened and a national strategy on religious freedom and religious tolerance is adopted, President Yudhoyono should:

- Seek to amend or revoke regulations that discriminate against religious minorities or exacerbate intolerance in Indonesia, including the 1965 blasphemy law, the ministerial decrees on building houses of worship, and the 2008 anti-Ahmadiyah decree.
- Take immediate disciplinary action against all government officials, including the minister of religious affairs, who make statements or engage in actions that promote religious discrimination.
- Seek criminal prosecution of government officials who incite violence against religious or other minorities.



- Use existing presidential powers, including over allocation of central government funding to local governments, to sanction local officials who defy the courts.<sup>327</sup>
- Review and restructure the functions of the Ministry of Religious Affairs to ensure better representation of the hundreds of religions and beliefs in Indonesia and the promotion of meaningful inter-faith dialogue and inter-religious education. The latter should begin with frank acknowledgment of divisive issues and work toward their resolution.
- Direct all national and local officials to abide by court rulings and to allow the construction of churches and other houses of worship that have met the administrative criteria under current law.
- Take immediate steps to sanction government officials who refuse to permit the construction of houses of worships, including GKI Yasmin and HKBP Filadelfia churches.

#### *To the House of Representatives*

- Remove the Religious Harmony Bill from the list of bills to be deliberated. Rather than providing safeguards for religious freedom, the bill would provide a stronger legal basis for ministerial decrees that harm rights of religious minorities.
- Amend or revoke laws that discriminate against religious minorities or exacerbate intolerance in Indonesia, including the 1965 blasphemy law.

#### *To the National Police*

- Conduct prompt, thorough, and impartial investigations to discipline and, where appropriate, prosecute police officers, regardless of rank, implicated in violence against religious minorities or who aid and abet militant groups in unlawful acts.
- Ensure that police units in areas where extremists target religious minorities with threats or actual physical violence have an adequate number of trained equipped personnel to prevent possible violence and to intervene in a timely manner when violence occurs to reduce deaths and casualties.

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<sup>327</sup> For a description of powers currently available to the president, see International Crisis Group, "Indonesia: Defying the State, Asia Briefing no. 138," August 30, 2012, p. 18.

- Prohibit any official endorsements of groups linked to the advocacy and use of violence against religious minorities, and prohibit joint police action with such groups in “anti-vice” campaigns and related initiatives.
- Adopt a “zero tolerance” approach to acts of vandalism and other crimes against religious structures and the people who worship in them.
- Provide prompt and adequate reparations to victims of violence in which security forces are direct participants, aid and abet abuses by militant groups, or fail to take available measures to prevent or end the violence.
- Issue a directive to police to act fully impartially in religious disputes, including by not signing documents on religion that would call their impartiality into question or entail coercive action against religious minorities.
- Reprimand police officers who sign petitions that bring their impartiality to conduct police work into question.
- Expand on initiatives such as the cooperation between the National Police and KontraS in developing a police manual on dealing with violence against religious groups.
- Conduct trainings for officers on the UN Code of Conduct for Law Enforcement Officials, the UN Basic Principles on the Use of Force and Firearms, and Indonesia’s Police Regulation on the Use of Force (No. 01/2009) and stipulate strict penalties for officers who violate or ignore these standards.<sup>328</sup>

### *To the Ministry of Religious Affairs*

- Commission an independent study to examine possible restructuring of the ministry so that it better represents the hundreds of religions and beliefs practiced in Indonesia, instead of limiting itself to the six religions officially protected under the 1965 blasphemy law.
- Send a directive to all governors, mayors, and regents to ensure that local FKUB offices act independently and impartially. Ensure that any members of FKUB found to be using their position to discriminate against minority religious groups are removed from their positions.

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<sup>328</sup> In June 2009, Amnesty International published a number of recommendations on the Indonesian National Police, a number of which are relevant to addressing religion-based violence. See Amnesty International, “Unfinished Business: Police Accountability In Indonesia,” June 24, 2009.

### *To the Ministry of Home Affairs*

- Adopt a “zero tolerance” approach to civil servants who passively or actively practice, tolerate, or encourage acts of discrimination, threats, or physical violence against religious minorities.
- Create an office to receive public complaints of discrimination by civil servants against individuals from minority religions and set up an internal mechanism so that civil servants can report acts of discrimination by other civil servants. Create a transparent mechanism to investigate those complaints and reports, and ensure that they are addressed and appropriate action is taken in a timely manner.
- Ensure that the Bekasi regent and Bogor mayor implement the Supreme Court verdicts on HKBP Filadelfia and GKI Yasmin.

### **To the United States, European Union Member States, Australia, Japan, and other Concerned Governments**

- Publicly and privately press the Indonesian government to respect the right to religious freedom and other basic human rights, including by amending or repealing discriminatory laws and policies, and investigating and prosecuting threats, harassment, and attacks on religious minorities.
- Urge the Indonesian government to invite the UN Special Rapporteur for freedom of religion or belief to visit.
- Use Jakarta-based diplomats to monitor incidents of discrimination or violence against religious minorities as well as trials affecting the right to freedom of religion, especially in Java and Sumatra.
- Vet all programs that provide training to government officials to ensure that participants have not been implicated or complicit in religion-based violence or other serious human rights abuses.
- Take necessary measures to ensure that programs in Indonesia funded directly or through the Asian Development Bank or other multilateral development banks, including support for *madrasahs*, do not promote or facilitate discrimination or violence on the basis of religion.

# Appendix I

## Population in Indonesia by Religion 2010

No	Province	Religion							Total
		Muslim	Christian	Catholic	Hindu	Buddhist	Confucian	Others	
1	Aceh	4,427,874	44,459	5,263	351	7,551	58	1,013	4,486,570
2	North Sumatra	9,284,958	2,904,970	502,093	13,601	270,368	4,060	5,026	12,985,075
3	West Sumatra	4,739,034	62,947	40,748	761	642	1,710	155	4,845,998
4	Riau	5,142,416	230,434	81,412	3,762	75,183	6,478	3,346	5,543,031
5	Jambi	2,966,736	73,426	26,243	381	17,303	4,529	-	3,088,618
6	South Sumatra	7,284,097	49,223	38,460	39,749	33,441	1,171	261	7,446,401
7	Bengkulu	1,679,291	19,460	6,007	7,454	1,181	-	-	1,713,393
8	Lampung	7,248,727	75,734	68,401	163,281	39,434	188	351	7,596,115
9	Bangka Belitung	1,053,535	13,649	17,606	800	85,439	52,019	-	1,223,048
10	Riau Islands	1,448,229	107,065	55,037	2,345	62,683	10,257	82	1,685,698
11	Jakarta	8,425,500	449,505	391,922	12,330	255,032	49,723	4,187	9,588,198
12	West Java	42,078,858	523,290	323,454	25,628	57,472	12,987	137	43,021,826
13	Central Java	31,448,855	509,966	336,046	23,271	48,777	7,564	6,208	32,380,687
14	Yogyakarta	3,194,905	92,818	155,107	5,210	4,099	-	251	3,452,390
15	East Java	36,668,339	383,746	273,889	96,527	42,528	5,797	5,185	37,476,011
16	Banten	10,208,694	159,876	129,708	5,750	109,122	3,446	27,434	10,644,030
17	Bali	454,668	39,130	16,381	3,371,658	8,698	707	185	3,891,428
18	West Nusa Tenggara	4,391,781	6,913	9,018	62,420	26,550	174	-	4,496,855
19	East Nusa Tenggara	405,268	1,614,443	2,550,539	1,718	1,676	1,354	104,318	4,679,316
20	West Kalimantan	2,574,777	395,378	1,130,814	2,226	231,070	57,722	1,252	4,393,239
21	Central Kalimantan	1,622,394	386,082	39,463	87,103	-	565	66,991	2,202,599

No	Province	Religion							Total
		Muslim	Christian	Catholic	Hindu	Buddhist	Confucian	Others	
22	South Kalimantan	3,516,938	25,646	22,447	36,771	18,164	1,585	4,569	3,626,119
23	East Kalimantan	3,020,182	337,006	162,701	15,825	11,498	2,273	1,101	3,550,586
24	North Sulawesi	649,747	1,499,408	77,787	27,545	2,064	455	8,931	2,265,937
25	Central Sulawesi	2,101,127	400,216	31,393	88,621	6,347	1,107	4,607	2,633,420
26	South Sulawesi	7,132,497	665,908	125,905	58,396	34,933	1,926	12,987	8,032,551
27	Southeast Sulawesi	2,129,412	29,466	27,373	43,300	770	248	-	2,230,569
28	Gorontalo	1,018,398	11,769	1,805	5,914	614	85	-	1,038,585
29	West Sulawesi	928,445	182,606	15,834	31,090	360	-	-	1,158,336
30	Moluccas	699,851	715,498	97,964	4,429	387	853	12,420	1,531,402
31	North Moluccas	776,986	244,548	13,251	407	112	174	-	1,035,478
32	West Papua	184,782	450,032	124,678	579	100	322	364	760,855
33	Papua	378,851	1,813,151	651,125	5,638	3,234	-	-	2,851,999
<b>Total</b>		<b>209,286,151</b>	<b>14,517,766</b>	<b>7,549,874</b>	<b>4,244,841</b>	<b>1,456,832</b>	<b>229,538</b>	<b>271,362</b>	<b>237,556,363</b>
<b>%</b>		<b>88.10%</b>	<b>6.11%</b>	<b>3.18%</b>	<b>1.79%</b>	<b>0.61%</b>	<b>0.10%</b>	<b>0.11%</b>	<b>100.00%</b>

Source: Ministry of Religious Affairs in Numbers 2011

(<http://kemenag.go.id/file/dokumen/KEMENAGDALAMANGKAupload.pdf> accessed on March 3, 2012).

## Appendix II

### Number of Houses of Worship in Indonesia 2010

No	Province	Moslem Mosque	Christian Church	Catholic Church	Hindu Pura	Buddhist Vihara	Confucius Temple	Total
1	Aceh	3,648	153	21	1	13	1	3,837
2	North Sumatra	15,752	9,777	1,855	194	128	135	27,841
3	West Sumatra	4,846	186	10	2	4	1	5,049
4	Riau	5,667	1,102	233	7	56	7	7,072
5	Jambi	3,177	269	43	4	17	24	3,534
6	South Sumatra	7,677	133	59	261	99	-	8,229
7	Bengkulu	2,937	299	39	40	9	-	3,324
8	Lampung	13,496	763	239	781	151	-	15,430
9	Bangka Belitung	1,179	80	31	13	39	85	1,427
10	Riau Islands	1,086	380	38	4	105	27	1,640
11	Jakarta	8,513	1,108	45	25	242	4	9,937
12	West Java	45,721	628	168	30	153	22	46,722
13	Central Java	22,370	2,269	534	160	394	35	25,762
14	Yogyakarta	7,088	243	30	24	21	-	7,406
15	East Java	36,618	2,073	501	347	168	30	39,737
16	Banten	17,941	123	43	15	59	3	18,184
17	Bali	574	158	19	552	26	3	1,332
18	West Nusa Tenggara	4,159	35	7	406	44	1	4,652
19	East Nusa Tenggara	1,026	6,039	2,873	25	1	-	9,964
20	West Kalimantan	4,804	3,717	1,884	18	398	314	11,135
21	Central Kalimantan	3,536	1,477	77	97	12	2	5,201
22	South Kalimantan	7,611	86	11	62	16	3	7,789
23	East Kalimantan	3,677	1,285	237	41	34	-	5,274
24	North Sulawesi	2,016	3,963	340	27	27	6	6,379
25	Central Sulawesi	2,496	1,597	106	320	9	1	4,529

No	Province	Moslem Mosque	Christian Church	Catholic Church	Hindu Pura	Buddhist Vihara	Confucius Temple	Total
26	South Sulawesi	6,874	2,063	371	2,064	26	-	11,398
27	East Sulawesi	3,021	110	66	217	15	-	3,429
28	Gorontalo	1,535	132	10	32	2	-	1,711
29	West Sulawesi	1,029	635	93	597	4	-	2,358
30	Moluccas	1,087	1,088	346	16	6	2	2,545
31	North Moluccas	960	601	31	1	1	1	1,595
32	West Papua	453	413	172	9	3	-	1,050
33	Papua	625	4,121	1,295	25	8	-	6,074
<b>Total</b>		<b>243,199</b>	<b>47,106</b>	<b>11,827</b>	<b>6,417</b>	<b>2,290</b>	<b>707</b>	<b>311,546</b>
<b>%</b>		<b>78.06%</b>	<b>15.12%</b>	<b>3.80%</b>	<b>2.06%</b>	<b>0.74%</b>	<b>0.23%</b>	<b>100.00%</b>

*Source: Ministry of Religious Affairs in Numbers 2011*

(<http://kemenag.go.id/file/dokumen/KEMENAGDALAMANGKAupload.pdf> accessed on March 3, 2012).

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Religious minority communities in Indonesia are facing increasingly routine intimidation, threats, and, too often, violence at the hands of militant groups. Some communities—including several Protestant groups, Shia Muslims, and Ahmadiyahs—have been the targets of violence by groups such as the Islamic Defenders Front that mobilize masses of “protesters” and swarm minority houses of worship or meeting places. The attackers typically justify their actions as efforts to defend the Muslim community against Christian proselytization and rid the country of “infidels” and “blasphemers.”

*In Religion's Name: Abuses against Religious Minorities in Indonesia*,—based on interviews with victims of abuse and analysis of more than 3,000 pages of government letters, court papers, and police reports—documents recent cases of threats and attacks against religious minorities, detailing the often weak government response. It also documents institutional and legal shortcomings that have facilitated abuse.

In the worst cases, police have stood by while violence raged or have sided with Islamist militants at the expense of the rights of religious minorities, ostensibly to avoid violence. Some local and national government officials have made blatantly discriminatory statements, refused to issue building permits for houses of worship, or pressured minority congregations to relocate. In two cases, local officials have refused to implement Supreme Court decisions granting minority groups the right to build houses of worship.

To date, Indonesian President Susilo Bambang Yudhoyono has been part of the problem, his passivity only emboldening militants. Yudhoyono should instead set forth an action plan for safeguarding religious freedom that includes a “zero tolerance” approach to violence, determined prosecution of perpetrators, review of existing legislation to remove discriminatory provisions, and disciplinary action against officials who flaunt the law or make disparaging remarks about minority religions.

*(above) Soldiers walk past a burned Ahmadiyah mosque in Cisalada, West Java province, which hundreds of Muslims burned along with five other houses on October 2, 2010.*

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*(front cover) Militants burn down Shia houses on August 26, 2012, in the village of Nangkernang in Sampang regency, Madura Island. Hundreds of Sunni militants associated with the Ulema Consensus Forum torched around 50 Shia homes that day, killing one man and seriously injuring another, as several police officers looked on.*

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