

INDONESIA

Indonesia is a stable democracy with stronger human rights protections than at any time in its history, but the country's tradition of religious tolerance and pluralism has been strained. While the government has addressed past sectarian violence and curtailed terrorist networks, religious minorities continue to experience intimidation, discrimination, and societal violence. The Indonesian government, including the police and provincial officials, sometimes tolerate activities of extremist groups, and national laws and provincial decrees have restricted religious freedom. Based on these concerns, USCIRF again places Indonesia on its Watch List in 2012.

Background

The majority of Indonesia's diverse religious communities operate openly and with few restrictions, particularly the six recognized religious groups (Islam, Buddhism, Hinduism, Catholicism, Protestantism, and Confucianism). Nevertheless, political forces, terrorist networks, and extremist groups continue to stoke societal violence and perpetrate ongoing violations of religious freedom and related human rights.

The activities of extremist organizations, such the Islamic Defenders Front (FPI) and dozens of other similar groups, have increased both religious tensions and societal violence in recent years. Though these groups' influence far exceeds their size or electoral appeal, their activities are too often tolerated by sympathetic police and government officials. In some parts of Indonesia a culture of impunity exists in which extremist groups operate with few consequences, harassing places of worship, extorting protection money from religious minorities, pressuring local officials to detain and restrict allegedly heterodox religious groups, and recruiting potential members for terrorist activities. This is not only a religious freedom concern, but a threat to Indonesia's tradition of tolerance and its democratic future.

In the past year, governmental action and societal violence lead to the closure of Christian churches, Ahmadiyah and Shi'a mosques, and a Hindu religious site. In addition, Bahai's continue to be jailed on charges of proselytizing children in East Java, and blasphemy charges were used to harass or arrest individuals practicing heterodox versions of Islam or one of the six official religions. Also, individuals who killed Ahmadiyah Muslims during a February 2011 mob attack were given light sentences of between five to seven months. Police and local officials sometimes intervene to prevent property destruction and arrest individuals responsible for violence, but the uneven response and inconsistent punishments have not deterred attacks.

President Susilo Bambang Yudhoyono has frequently supported religious tolerance and pluralism and promised to protect religious minorities and hold perpetrators of sectarian violence accountable. Nevertheless, he also expressed support for a 2008 decree "freezing" Ahmadiyah activities and has refused to enforce a Supreme Court decision to re-open the GKI Yasim church in West Java. Members of his government have also sent mixed messages. The Minister of Religious Affairs publicly supports provincial Ahmadiyah bans and recently called Shi'a Islam a "heresy." However, Coordinating Minister for Political, Legal and Security Affairs Djoko Suyanto stated flatly that a ban of the Ahmadiyah was "unconstitutional" and the head of the National Counter-Terrorism Agency (BNPT) has urged more concerted action to counter the political goals of extremist groups saying, that "if Ahmadiyah is banned, our country is defeated."

Religious Freedom Conditions

While Indonesia has demonstrated progress in advancing human rights overall, serious religious freedom challenges remain. Problematic laws contradict Indonesia's constitutional protections and international commitments, extremist groups use violence to intimidate religious minorities, and authorities are passive in the face of, and sometimes complicit in, these groups' actions.

Restrictions and Societal Violence Targeting the Ahmadiyah: Since the 2008 Joint Ministerial decree "freezing" their religious activity, at least 50 Ahmadiyah mosques have been vandalized, 36 mosques and meeting points forcibly closed, and three Ahmadiyah followers killed in mob violence. Ahmadiyah are reportedly allowed to gather for worship in most parts of the country, but in some parts of East and West Java, South Sulawesi, and Lombok provinces, extremist groups consider any visible Ahmadiyah activity as "proselytizing" and pressure local officials to close places of worship. Governors of East Java, West Java, and South Sulawesi banned public Ahmadiyah practice, and the national Ministers of Religious Affairs and Law and Human Rights endorsed these measures. In October 2011, the mayors of Bekasi and Bajar, West Java banned Ahmadiyah activity. In the past year in West Java, mosques and schools were forcibly closed and incidents of societal violence against Ahmadiyah reported. Indonesian non-governmental organizations (NGOs) report the involvement of West Javan and Indonesian military officials and Muslim religious leaders in forcing Ahmadiyah to renounce their faith, sometimes through the cancellation of debt. In South Sulawesi, several persons are on trial for a mob attack in the past year on an Ahmadiyah mosque. Officials in East Jakarta closed an Ahmadiyah place of worship for violating local zoning rules.

Forced Closure and Vandalism of Religious Minorities' Properties: During the reporting period, extremist groups forcibly closed or vandalized as many as 60 religious venues of religious minority groups other than Ahmadiyah, an increase from the previous year. Most cases were reported in West Java, with others in East Java, West Lombok, West Sumatra and Madura.

The sizeable number of religious venues closed or vandalized remains troubling. In September 2011, the mayor of Cirebon stopped construction of the GBI Bethel Church and hundreds of Muslims protested their weekly worship activities. In November 2011, an estimated 600 people burned down a Hindu center in Sukabumi, West Java because they believed it was being used illegally for rituals. In August 2011, mobs burned three churches in the Riau province of Sumatra. In February 2011, a mob destroyed a Shi'a boarding school and mosque in Kenep village, East Java. In January 2012, looters attacked the homes and shops of Shi'a families and burned a Shi'a school in Sampang, East Java. At least 300 Shi'a were displaced. Police detained suspected perpetrators and the East Javan governor promised to restore Shi'a properties.

The situation of the GKI Yasim Church of Bogor, West Java has gained international attention. Despite a January 2011 Indonesian Supreme Court decision and a ruling by the National Ombudsman favoring the church, Bogor city officials continue to deny it a building permit and have sealed the church. Since March 2011, extremist groups protested the church's weekly outdoor worship services. In February 2012, President Yudhoyono refused to enforce the Supreme Court ruling, citing Indonesia's regional autonomy law, and instructed the Ministry of Religious Affairs to assist in finding a local solution so that "worship may be held at the church."

Enforcement of the Law against “Deviancy”: In the past year, local authorities continued to enforce Indonesia’s “deviancy” or blasphemy law (Article 156(a) of the criminal code), which punishes “hostility, hatred or contempt against religions” or “disgracing a religion” with up to five years in jail. Despite efforts by Indonesian parliamentarians and NGOs to challenge it, the Indonesian Supreme Court upheld the law in 2010, based on fears of increased societal violence from “a proliferation of sects.” According to Indonesian think tanks tracking human rights, the use of the deviancy law has increased in the past decade. Since 2003, over 150 individuals have been detained and dozens of others sentenced under Article 156(a). Most cases have been against allegedly heterodox Muslims, including *al-Qiyadah al-Islamiyah*, *Jamaah Alamulla*, and *Santriloka*, but also some against Christian groups, such as the *Sion City of Allah*. According to the Wahid Institute, in the past year, police sought to disband groups such as *Nurul Amal* and *Jamaah Islam Suci* based on recommendations from local religious leaders. Police arrested the leader of *Nurul Amal* on charges related to “physical abuse,” and not Article 156(a), because members testified to being whipped for disobedience.

In February 2011, a court in West Java sentenced a Christian man, Antonius Banwengan, to five years’ imprisonment for distributing material mocking Islamic symbols. Although he was given the maximum sentence, a mob rioted, targeting churches and church properties, because they viewed the verdict as too lenient. In addition, in March 2012, Alexander Aan, a civil servant in West Sumatra, was attacked by a mob and later arrested for blasphemy for creating a Facebook fan page titled *Ateis Minang* (Minang Atheist). His trial is pending at this time.

Terrorist Violence Targeting Religious Minorities: In September 2011, a suicide bomber attacked a church in the city of Solo, Central Java, killing himself and wounding 30 church members. Similar pipe bombs were found and diffused outside churches in Ambon, the site of massive sectarian violence from 1999-2001. Since June 2011, police have captured or killed more than 20 suspected militants in Central Java and West Lombok and sentenced the leader of Jemmah Anshorut Tauhid (JAT) to 15 years in prison for funding a terrorist training camp in Aceh. In February 2012, the United States designated JAT a foreign terrorist organization.

Sharia Law in Aceh: The Aceh provincial government continues to implement Presidential Decree 11/2003, which allowed the province to implement a local interpretation of sharia law, establish sharia courts, and operate a vice patrol, known as *Wilayahul Hisbah* (WH). Christians and other non-Muslims are exempted. WH patrols have enforced dress codes and bans on alcohol consumption, gambling, and unchaperoned male-female liaisons (seclusion) with punishments including canings and fines. Government oversight of WH forces has improved since 2009 provincial elections, with efforts to disband some patrols and turn cases over to civil courts. WH members were arrested and sentenced for raping a woman detained for an alleged dress code violation. Nevertheless, WH patrols continue to enforce dress code and seclusion laws, and women are the majority of those fined and detained. In the past year, WH members broke up a “punk” rock concert, shaved the spiked hair of concert goers, and removed all clothing deemed inappropriate.

Recommendations for U.S. Policy

As part of the U.S.-Indonesia Comprehensive Partnership and Counterterrorism Cooperation efforts, the U.S. government should:

- create a regular bilateral mechanism to discuss the protection and promotion of religious freedom and related human rights and in those discussions, urge the Indonesian government to:
 - overturn the Joint Ministerial Decree on the Ahmadiyah community and any provincial bans on Ahmadiyah religious practice, fully protect the rights of religious minorities under the Indonesian constitution and international law, and hold accountable any individual who organizes or carries out violence targeting the Ahmadiyah or other religious minorities;
 - amend or repeal Article 156(a) of the Penal Code, release anyone sentenced for “deviancy,” “denigrating religion,” or “blasphemy,” and provide clear guidelines to local governments on ending prosecutions of those detained under Article 156(a); and
 - amend the Joint Ministerial Decree No. 1/2006 (Regulation on Building Houses of Worship) to comply with the Indonesian constitution and international standards, remove any restrictive barriers on building and refurbishing places of worship, provide restitution to religious communities whose venues have been destroyed or closed due to mob violence or protests, and ensure that those responsible for such acts are prosecuted;
- prioritize programs that support religious and civil society groups that promote religious freedom, counter extremism, teach tolerance, and build interfaith alliances, including by:
 - expanding the capacity, training, and reporting ability of human rights defenders;
 - training members of provincial Joint Forums for Religious Tolerance (FKUBs) to mediate sectarian disputes in ways consistent with Indonesia’s national and international religious freedom commitments; and
 - training and building capacity for legal reform advocates, governmental judicial officials and judges, and legal and human rights organizations; and
- train Indonesian police and counter-terrorism officials to address sectarian conflict and religiously-related violence through practices consistent with international human rights standards, while ensuring any officers participating in such programs have not been implicated in abuses and deny any funding, training, or U.S. visas to any police or security agency personnel found to have engaged in violations of human rights.