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**Indonesia: Religious minority members forcibly evicted from West Kalimantan**

The Indonesian authorities must guarantee that the members of a religious minority -the Fajar Nusantara Movement (Gafatar) who were forcibly evicted last week in West Kalimantan – have access to an effective remedy for their situation. This includes not only access to justice but also the right to reparation. Reparations should encompass guarantees of safe, voluntary and dignified return of the Gafatar members to their homes, or other safe places of their choice based on genuine consultation, adequate compensation for the harm suffered including damage and destruction of their homes, and guarantees that this will not occur again.

On 19 January a mob attacked the village of Motong Panjang in Mempawah District and set alight nine houses belonging to members of the Gafatar community. After the attacks, Gafatar members were moved by the Mempawah resort police to temporary shelters in a military compound in Kuburaya District, West Kalimantan and a sports complex in Pontianak, the capital of West Kalimantan. At least 1,500 members of Gafatar, including women and children, were forcibly evicted from their homes in Sintang and Ketapang Districts, also in West Kalimantan, by mobs from the local area due to their affiliation to Gafatar which is considered “heretic” by the Indonesia Ulema Council (MUI).

On 21 January, the local West Kalimantan authorities started to transfer hundreds of Gafatar members by ships to several locations on Java Island, which the authorities claim to be their place of origin. The relocation by authorities in West Kalimantan prevented further attacks against the group but some of those members currently staying in temporary accommodation in Java report that the relocation was carried out without consultation. There has been no criminal investigation conducted by the police into the forcible evictions and other criminal acts by the mobs. The group have also expressed their concern about discrimination by local authorities and the risk of further harassment, intimidation and repeated attacks based on their religious affiliation. According to the Secretary of Cabinet their freedom of movement will be restricted and they will undergo religious “re-education” programmes.

The right to freedom of religion is guaranteed in the Indonesian Constitution. Additionally, Article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party, stipulates that “this right shall include freedom to have or to adopt a religion or belief of his choice” and that “no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice”.

The State itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions. This approach is

reinforced by article 17(1) of the ICCPR which complements the right not to be forcefully evicted without adequate protection. That provision recognizes, inter alia, the right to be protected against "arbitrary or unlawful interference" with one's home.

The incident highlights the on-going problem of religious intolerance and abuses against religious minorities in Indonesia. On 5 January, the Bangka District administration in Bangka Belitung Islands Province issued a letter threatening a group of 100 Ahmadiyya members with expulsion from their homes unless they converted to mainstream Sunni Islam. At least 150 members of the forcibly evicted Shi'a community have been in temporary accommodation in Sidoarjo, East Java since August 2012 and are waiting to return to their homes in Sampang, Madura Island. In Mataram, West Nusa Tenggara province about 130 people, including women and children, belonging to the Ahmadiyya community have been living in temporary accommodation since February 2006.

### **Background**

The Fajar Nusantara Movement (Gafatar) was founded in January 2012 with branches in 14 provinces. A few weeks before the attacks the Indonesian Ulema Council (MUI), a national association of Islamic clerics considers Gafatar as the transformation of al-Qiyadah which it declared a "heretic" organization in November 2007.

In April 2008 al-Qiyadah leader, Ahmed Moshadeq, was found guilty under Article 156(a) of the Indonesian Criminal Code and sentenced to four years' imprisonment by the South Jakarta District Court for leading a "heretical sect" and claiming to be a prophet. In June 2015, six members of the Gafatar community in Aceh Province were convicted for insulting religion under Article 156 of the Criminal Code and sentenced to four years' imprisonment by the Banda Aceh District Court. They were detained solely for the peaceful exercise of their right to freedom of belief and must be immediately and unconditionally released.