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Indonesia: Drop blasphemy charges against Shi'a leader

The Indonesian authorities should drop blasphemy charges against Tajul Muluk, a Shi'a Muslim religious leader from East Java. Amnesty International believes that these charges have been brought against him solely for peacefully exercising his right to freedom of thought, conscience and religion.

He is a prisoner of conscience and should be released immediately and unconditionally.

Tajul Muluk was displaced with over 300 other Shi'a villagers on 29 December 2011, when an anti-Shi'a mob of some 500 people attacked and burned houses, a boarding school and a Shi'a place of worship in Nangkrenang village, Sampang, Madura island. Although the Omben sub-district police knew the timing of the attack in advance, they did not take adequate steps to prevent it or protect the villagers. To date, only one person has been prosecuted for the attack.

Afterwards most of the Shi'a displaced by the attack returned to Nangkrenang village. But Tajul Muluk and about 20 other villagers, including his family, were prevented from returning to the village by the attackers, who reportedly threatened to kill them if they returned, and by the police.

On 1 January 2012 a religious decree (*fatwa*) was issued by the Sampang branch of the Indonesia Ulema Council (MUI) about what was described as Tajul Muluk's "deviant teachings", and two days later a police report was filed against him. On 16 March, the East Java regional police charged Tajul Muluk with blasphemy under Article 156(a) of the Indonesian Criminal Code, and with "offensive actions" under Article 335 of the Code.

He is currently being detained at the Sampang prison awaiting trial. His lawyers are concerned that he would not receive a fair trial in Sampang because of the strong presence of anti-Shi'a groups there. They are requesting his trial be moved to the provincial capital Surabaya.

Bringing charges against Tajul Muluk solely for his religious beliefs and for peacefully practising his religion are in contravention of Indonesia's obligations under the International Covenant on Civil and Political Rights (ICCPR). Article 18 of the ICCPR protects an individual's right to freedom of thought, conscience and religion, including the right to manifest his or her religion or belief in worship, practice and teaching. Further, Article 27 of the ICCPR provides that persons belonging to religious minorities shall not be denied the right, in community with the other members of their group, to profess and practise their own religion.

The right to freedom of religion is also guaranteed in Article 28E of the Indonesian Constitution and Article 22 of Law 39/1999 on Human Rights.

Amnesty International has received credible reports that since the attack, the Shi'a villagers in Sampang continue to face intimidation and threats from individuals trying to force them to denounce their beliefs.

The Indonesian police must ensure that the Shi'a community receive adequate protection and conduct prompt, independent, impartial and effective investigations into all reports of violence and threats made against them. Under the ICCPR, Indonesia must ensure the right to life, security of person and freedom from torture and other ill-treatment. Such protection must be provided without discrimination, including on the basis of religion.

Amnesty International also urges the Indonesian authorities to repeal Law Number 1/PNPS/1965 concerning the prevention of religious abuse and/or defamation (the Presidential Decision), and Article 156(a) of the Criminal Code created by the Presidential Decision.

Article 156(a) imposes a maximum five year prison sentence "for whosoever in public intentionally express their views or engage in actions that in principle incite hostilities and considered as abuse or defamation of a religion embraced in Indonesia" [sic]. This vaguely worded provision allows the authorities to criminalize peaceful activities, including religious practice.

These blasphemy laws are fundamentally incompatible with Indonesia's international human rights obligations to protect and respect freedom of expression, and freedom of thought, conscience, religion and equality.

The laws continue to be used to imprison people for as long as five years, simply because they have peacefully exercised their right to freedom of expression or their right to freedom of religion. They are often used to target individuals who belong to minority religions, faiths and opinions, and particularly those who adhere to interpretations of Islam that are not sanctioned by the government.