

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Indonesia: Repeal "cruel" new stoning and caning law**

A new Indonesian bylaw that endorses stoning to death for adultery and caning of up to 100 lashes for homosexuality should be repealed immediately, Amnesty International said on Thursday.

The local Islamic Criminal Code was passed by the Aceh Provincial House of Representatives on Monday. It forbids a number of acts including alcohol consumption, gambling, intimacy between unmarried couples, adultery and fornication, and homosexuality.

Amnesty International is also concerned by provisions that criminalize adultery and homosexuality. Indonesian authorities must ensure that such provisions are repealed in conformity with international law and standards relating to physical and mental integrity and equality before the law.

"The new criminal bylaw flies in the face of international human rights law as well as provisions of the Indonesian constitution," said Sam Zarifi, Amnesty International's Asia-Pacific director.

"Stoning to death is particularly cruel and constitutes torture, which is absolutely forbidden under all circumstances in international law."

Indonesia's central government has indicated that the law may contravene Indonesia's existing human rights protections under the country's constitution.

"We welcome the concerns expressed by different levels of the Indonesian government about these laws," Zarifi said. "But the proof is in the doing, and as long as these laws stay on the books they pose a serious threat to Indonesia's international human rights obligations."

Some of these provisions, particularly punishment by caning, are not new in Aceh and already violate international human rights standards on cruel, inhuman and degrading treatment.

However, this is the first time that local legislators have included stoning to death (rajam) as a penalty for those who commit adultery. International human rights law and standards oppose the extension of the death penalty to new crimes.

Amnesty International has urged Aceh's newly elected legislature, due to take office in October, to repeal the law as matter of urgent priority.

Amnesty International has also called on the new legislature to ensure that all local regulations in Aceh are in full conformity with international human rights law and standards, and other human rights provisions set out in the Indonesian Constitution and in the 1999 Law on Human Rights.

The Indonesian government should ensure that the decentralization process and regional autonomy does not come at the expense of human rights.

Local Islamic Law was gradually put in place in Aceh from 1999-2000 through various autonomy packages. Caning was introduced a few years ago as a punishment meted out by Islamic courts for offences such as gambling, theft and adultery. At least 31 men and four women convicted of gambling were caned under local Islamic law in Aceh in 2005 and at least eight people (five men and three women) convicted for gambling or adultery were caned in 2006.

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