

URGENT ACTION

HUMAN RIGHTS DEFENDERS CHARGED WITH DEFAMATION

Haris Azhar and Fatia Maulidiyanti were charged on 17 March 2022 with defamation under article 27 of the Electronic Information and Transactions Law, after being reported by the Coordinating Minister for Maritime and Investment Affairs on 22 September 2021. The police investigation relates to a YouTube video of a conversation between the two human rights defenders where they discussed the findings of a report on the alleged involvement of several military figures in the mining industry. Haris and Fatia could face up to six years in prison if found guilty. Indonesian police should drop the charges against them.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

General Listyo Sigit Prabowo
Chief of Indonesian National Police
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Dear Mr. Prabowo,

I am writing to express my deep concern about the ongoing police investigation against human rights defenders **Haris Azhar** and **Fatia Maulidiyanti**. The two were reported to the police by the Coordinating Minister for Maritime and Investment Affairs, Luhut Binsar Pandjaitan, on allegations of defamation under the Electronic Information and Transactions (ITE) Law. Furthermore, Luhut sued Haris and Fatia 100 billion rupiahs each (approximately USD 7 million).

The allegations relate to a video on Haris' YouTube channel, where he and Fatia discuss a report about the alleged connections between military operations and mining activities in Intan Jaya Regency, in Papua. It is very distressing to learn that Haris and Fatia face criminal charges for simply exercising their right to freedom of expression, which is guaranteed under both international and national law.

Therefore, I urge you to:

- **Drop the charges and close the investigation against Haris and Fatia**
- **Amend the ITE to decriminalize defamation and ensure that defamation is only treated as a civil matter**
- **Ensure that all human rights defenders can carry out their peaceful activities without harassment, intimidation, arbitrary detention or fear of reprisals, in line with the UN Declaration on Human Rights Defenders**

Yours sincerely,

ADDITIONAL INFORMATION

Haris Azhar and Fatia Maulidiyanti are well-known Indonesian human rights defenders. Azhar is also a lecturer, an advocate, and the executive director of Lokataru Foundation, a civil society organization defending human rights. Maulidiyanti is the coordinator of KontraS, an organization well-known for exposing human rights violations and advocating on behalf of victims of human rights violations since Indonesia's Soeharto era.

On 20 August 2021, Haris Azhar uploaded a video on his YouTube channel containing a conversation between himself and Fatia Maulidiyanti about a report that mentioned that some companies were allegedly involved in the exploration of Wabu Block gold mine in Intan Jaya, Papua. The report is entitled "Political Economy Study of Military Placement in Papua: The Case of Intan Jaya," which was launched on 12 August 2021. The research was conducted by researchers from nine organizations, including KontraS. The research argues the existence of a relationship between concessions granted by the Indonesian government to some companies and the deployment of the military in Papua.

Following the release of the video, the Coordinating Minister for Maritime and Investment Affairs, Luhut Binsar Pandjaitan, sent two subpoenas on 26 August and 2 September. According to his spokesperson, the summons were aimed at asking Haris and Fatia to explain the motive, intention, and purpose behind the video's dialogue. The Minister felt that the video reflects untrue opinions, character assassinations, and fake news.

On 29 August, Haris explained that the data mentioned in the dialogue came from the report produced by multiple civil society organizations, which outlined the alleged involvement of several military figures in the mining industry.

On 21 October, Haris Azhar and Fatia Maulidiyanti were summoned by Jakarta's Police for mediation. Haris Azhar and Fatia Maulidiyanti were present, but the Coordinating Minister Luhut Binsar Pandjaitan was not. The mediation was postponed indefinitely.

On 17 March 2022, Haris Azhar and Fatia Maulidiyanti were accused of defamation and charged under article 27 of ITE Law. On 21 March, both were summoned by Jakarta's Police for the investigation process.

Amnesty International Indonesia has recorded at least 367 cases of prosecution, arrest, attack and intimidation of human rights defenders by various actors from January to December 2021. Meanwhile, over 100 people have been reported under the ITE Law, most of them accused of defamation, during the same period.

PREFERRED LANGUAGE TO ADDRESS TARGET: [English or Indonesian]

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 2 June 2022

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: [Haris Azhar(he/him) and Fatia Maulidiyanti (she/her)] (pronouns)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa21/4932/2021/en/>