

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Indonesia: Two years on, forcibly evicted Shi'a community remains in limbo

Joint statement by Amnesty International, the Commission for the Disappeared and Victims of Violence (KontraS) Surabaya, Center for the Study of Religion and Democracy (PUSAD) Paramadina, and the Asian Muslim Action Network (AMAN) Indonesia

Two years after the local authorities forcibly evicted a community of Shi'a Muslims from their temporary shelter at a sports complex in Sampang, Madura Island, East Java province on 20 June 2013, the above organizations urge the Indonesian government to take immediate steps to ensure the safe, voluntary and dignified return of the community to their homes. The continued displacement of the community – after repeated attacks, intimidation and harassment – calls into question President Joko Widodo's administration's commitment to resolve their situation.

This was the community's second forced eviction in less than a year. In August 2012, they were evicted from their homes in Sampang district after an anti-Shi'a mob attacked their village. Their religious leader Tajul Muluk was convicted of blasphemy and sentenced to four years' imprisonment under Article 156(a) of the Indonesian Criminal Code. Ten months later, in June 2013, the Sampang district authorities forcibly evicted and moved the community to a refugee facility in Sidoarjo, East Java – four hours by road from their village in Sampang district. At least 300 community members, including women and children, continue to live there.

They are prevented from returning to their village by local authorities unless they convert to Sunni Islam. Such pressure amounts to coercion which violates their freedom to have or adopt a religion of their choice, contrary to Article 18(2) of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a State Party. So far, almost all of the community members have refused to convert. However, the above organizations are deeply concerned by reports that some members of the Shi'a community who are still in their village in Sampang district were forced by Sampang authorities to "repent" and convert to Sunni Islam to avoid eviction.

The Indonesian authorities must ensure that all religious minorities are protected and allowed to practice their faith free from fear, intimidation and attack. They must investigate all reports of government officials being directly involved in forcing Shi'a and other minorities to renounce their faith.

The forced evictions, as well as impacting on community members' right to adequate housing, have also impacted negatively on the community's livelihoods as most of the adults are tobacco farmers who have lost their farms. In addition, community members have also been denied access to a range of essential services contrary to Indonesia's obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR). Without acknowledgment of their residential status, many families are unable to apply for identity and family cards, which are required to access social and health services, as well as to marry and obtain birth certificates. The forced evictions have also had a dire impact on education for children in the community – the local government has provided just two rooms for classes in the housing facility for at least 50 children between five and 11 years old, and teachers visit only intermittently.

Indonesia's previous and current administrations have both pledged to return the displaced Shi'a community to their village and yet to date there has been no concrete action. In July 2013, then President Susilo Bambang Yudhoyono met with members of the community and promised to return them to their village and rebuild destroyed homes. Similarly, in August 2014, Minister of Religion Lukman Hakim – who held this position in both the previous and current administrations – met both the displaced Shi'a community in Sidoarjo and leaders of the Sunni community in Sampang, and claimed to be very optimistic that the Shi'a community could return to their homes. During his presidential campaign, President Joko Widodo made a series of commitments, including to protect the rights of marginalised communities and to protect principles of pluralism and diversity. However, in this case, these words have failed to translate to tangible results. The community remains in limbo, uncertain of their future.

As a State Party to the ICESCR, Indonesia has an obligation under Article 11 to respect, protect and fulfil the right to adequate housing for all its people, including preventing forced evictions by third parties and providing victims with an effective remedy for violations. The above organizations call on the Indonesian authorities to ensure the safe, voluntary and dignified return of the evicted Shi'a community back to their homes, together with effective remedies for the human rights violations perpetrated against them, including compensation for the harm suffered and damage and destruction of their homes, rehabilitation, restitution and guarantees of non-repetition.