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Indonesian government must repeal caning bylaws in Aceh

The Indonesian government must end the use of caning as a form of punishment and repeal the laws that allow it in Aceh province, Amnesty International said today after at least 21 people were publicly caned since 12 May.

In Langsa city, 14 men were caned outside the Darul Falah mosque on 19 May, following the caning of seven men a week earlier.

All 21 were found to have violated an Aceh bylaw (qanun) prohibiting gambling and were given six lashes each as hundreds of people looked on.

“It seems that Aceh’s authorities are increasingly resorting to public caning in violation of international law,” said Sam Zarifi, Amnesty International’s Asia-Pacific Director.

“Victims of caning experience pain, fear and humiliation, and caning can cause long-term or permanent injuries. The Indonesian government must act to stop these punishments, which constitute cruel, inhuman or degrading treatment and often amount to torture.”

According to media reports, at least 16 men and women were also caned in Aceh in 2010.

In addition to the Aceh bylaws providing for caning, the Aceh Criminal Code (Qanun Hukum Jinayat) passed by the Aceh parliament in 2009 provides for stoning to death for adultery and caning of up to 100 lashes for homosexuality.

This code has not yet been implemented, in part because of intense criticism at local, national, and international levels.

Amnesty International called on the Indonesian central government to review all such bylaws and local regulations to ensure that they conform with international and Indonesian human rights law and standards.

“Indonesia’s decentralization process and regional autonomy were supposed to be about empowering local populations, and should not come at the expense of their human rights,” said Sam Zarifi.

Aceh’s provincial legislature passed a series of bylaws governing the implementation of Shari’a law after the enactment of the province’s Special Autonomy Law in 2001. Caning was introduced as a punishment carried out by Islamic courts for offences also including adultery, consumption of alcohol, unmarried adult couples who are alone in isolation (khalwat) and for any Muslim found eating, drinking or selling food during sunlight hours in the fasting month of Ramadan.

Caning punishments violate the UN Convention against Torture, which Indonesia ratified in 1998. The

Committee against Torture has also raised concerns that people detained under Aceh's bylaws are not afforded their basic legal rights, including the right to legal counsel, and are apparently presumed to be guilty.