

URGENT ACTION

JUSTICE FOR SURVIVOR OF SEXUAL HARRASMENT

On 5 July 2019, the Indonesian Supreme Court rejected the final case review submitted by Baiq Nuril Maknun, a survivor of sexual abuse, and upheld its decision to find her guilty of distributing pornographic content. Sentenced to six months in prison and a fine of IDR 500 million (USD 34,644), Baiq Nuril Maknun is seeking amnesty from the President as her last resort for obtaining justice. Under Indonesian law, the president can only grant an amnesty after he/she seeks consideration from the advice of the parliament. A request for such advice was formally lodged by President Joko Widodo on 15 July 2019.

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

Speaker of House of Representatives

H. Bambang Soesatyo, SE. MBA

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Dear Chairperson,

I am deeply concerned by the news that, on 5 July 2019, the Indonesian Supreme Court rejected the final case review submitted by **Baiq Nuril Maknun** and upheld its cassation decision to find her guilty of distributing pornographic content.

While Baiq Nuril Maknun lodged a formal report complaint to the police about the sexual abuse she suffered in mid-November 2018, no police investigation has been launched. In fact, instead of receiving the justice she deserves, she was convicted of distributing pornographic content and sentenced to six months in prison and a fine of IDR 500 million under Article 27 of the Electronic Information and Transaction Law.

We acknowledge that the Minister of Law and Human Rights, Yasonna Laoly, has pledged to support Baiq Nuril Maknun in seeking an amnesty and will provide the supporting legal arguments for the President's consideration. Minister Yasonna has boldly said that, supporting Baiq Nuril Maknun's case, would hopefully encourage other victims to report their own experiences.

We understand that President Joko Widodo sent an official letter on 15 July 2019 to the House of Representatives seeking parliamentary advice on an amnesty for Baiq Nuril Maknun.

Therefore, we urge you, as Speaker of the House, to support the proposal and advise that all charges against Baiq Nuril Maknun are dropped and that any allegations of sexual abuse are immediately and independently investigated.

Kind regards,

ADDITIONAL INFORMATION

Baiq Nuril Maknun, who now lives as a homemaker in Labu Api, West Lombok Regent, West Nusa Tenggara Province, Indonesia, submitted a formal report to the police in mid-November 2018 outlining the sexual abuse she suffered. When she was a temporary employee of a State High School in Lombok she says she received repeated phone calls from the Principal of the school, where he boasted about his sexual relationships and attempted to have sex with her in a hotel. In August 2014, Baiq Nuril Maknun recorded a conversation with him on her phone as evidence of the sexual harassment she was experiencing and to deny rumours that she was having an affair with him. She then left her phone with her brother for safe-keeping and collected it four months later, in December 2014.

Without her knowing, her brother decided to distribute the recording to one of her colleagues to support his sister, and these colleagues later circulated it to other colleagues who reported the Principal's misconduct. Baiq Nuril Maknun who was further victimised by the distribution of this recording without her consent, lost her job while at the same time, the school Principal was reassigned to a position at the local education agency. He has not been investigated by the authorities for sexually harassing her. Instead, the Principal reported her to the police under the allegation of illegally making and distributing pornographic content as prescribed by Article 27 (1) and Article 45 (1) of the Information and Electronic Transaction Law 2008.

While Baiq Nuril Maknun was initially found innocent of the charge by the Mataram Local Court on 26 July 2015, the Prosecutor appealed the decision to the Supreme Court. On 26 September 2018, the Supreme Court found Baiq Nuril Maknun guilty of the charge and sentenced her to 6 months in prison and a fine of IDR 500 million (USD 34,218). Due to mass public outcry following the Supreme Court's verdict, on 19 November 2018 the Attorney General's Office decided to deliver temporary suspension of her prison time, a mere two days before she was scheduled to start serving her time. This suspension will allow Baiq Nuril Maknun and her lawyers time to pursue the final review to challenge the verdict. On 5 July 2019, the Indonesian Supreme Court rejected the final review submitted by Baiq Nuril Maknun and upheld its cassation decision to find her guilty of distributing pornographic content.

On 12 July 2019 Amnesty International Indonesia sent a confidential letter to President Joko Widodo, through the Minister of State Secretary, to ask him to grant amnesty to Baiq Nuril Maknun. On 15 July, President Widodo sent a letter to the Speaker of the House Representatives to ask for parliament's advice on the president's amnesty proposal.

Articles 27 and 45 of the Information and Electronic Transaction Law have been used to criminalize people who peacefully exercise their human right to freedom of expression using electronic means, for example, sharing opinions in social media, writing blog posts, etc. Southeast Asia Freedom of Expression Network (SAFENet) has reported that since 2008, 245 charges have been pressed under the said articles, whilst 35% of the allegations are made by public officials. The use of Article 27 in this case is likely to have an alarmingly chilling effect on survivors of sexual or gender-based violence who are considering reporting such crimes to the authorities. These draconian articles have been left untouched even though the judicial review of the Information and Electronic Transaction Law had been done repetitively by the Indonesian civil society.

PREFERRED LANGUAGE TO ADDRESS TARGET: English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 24 August 2019

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

NAME AND PREFERRED PRONOUN: Baiq Nuril Maknun (she/her)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa21/9509/2018/en/>