

URGENT ACTION

BLASPHEMY CONVICTION DEMONSTRATES INTOLERANCE

Christian Jakarta Governor, 'Ahok', was sentenced to two years imprisonment on 9 May 2017. Convicted of blasphemy against Islam, Amnesty International considers him to be a prisoner of conscience, who must be immediately and unconditionally released.

Jakarta Governor **Basuki Tjahaja Purnama**, better known as "Ahok", was convicted and immediately sentenced to two years' imprisonment on 9 May 2017 for blasphemy under Articles 156 and 156(a) of Indonesia's Criminal Code. He has declared that he will appeal the conviction to the High Court of Jakarta. Ahok, who is a Christian, was accused of 'insulting Islam' in a video posted on the internet after he announced publicly that he would re-run as the Governor of Jakarta candidate in the 2017 election.

The video was harshly criticized by many hard-line religious groups and generated nationwide mass demonstrations between November 2016 and May 2017, calling for him to be charged with defamation of Islam.

The blasphemy provisions in Articles 156 and 156(a) of the Criminal Code criminalize "any person who in public deliberately expresses his/her feelings or engages in actions that in principle is hostile and considered as abuse or defamation of a religion embraced in Indonesia". The law has been used to prosecute and imprison people for as long as five years simply because they have peacefully exercised their right to freedom of expression or to freedom of thought, conscience or religion, which are protected under international human rights treaties to which Indonesia is a state party.

Ahok is the fourth person in Indonesia to be convicted of blasphemy in 2017, following the conviction of three members of a now disbanded religious minority group, known as 'Gafatar' (the Fajar Nusantara Movement). Ahmad Mushaddeq, Mahful Muis Tumanurung, and Andry Cahya were convicted for blasphemy by the East Jakarta District Court on 7 March 2017.

Please write immediately in English or your own language urging the authorities to:

- Immediately and unconditionally release Basuki Tjahaja Purnama (Ahok) and all other individuals who have been convicted of blasphemy;
- Repeal or amend all blasphemy provisions set out in laws and regulations which violate the rights to freedom of expression and thought, conscience and religion;
- Take steps to ensure that judges and prosecutors are informed of Indonesia's human rights obligations and the need for the interpretation and application of national law to be consistent with them.

PLEASE SEND APPEALS BEFORE 22 JUNE 2017 TO:

Chief of the High Court of Jakarta

Justice Dr. H. Muh. Daming Sunusi, SH.,
M.Hum.

The High Court of Jakarta
Jl. Let.Jend. Suprato, Cempaka Putih,
Jakarta Pusat, Indonesia
10510

Fax: +62 (0)21 4253069 or 4254257

Email: info.ptjakarta@gmail.com

Salutation: Dear Justice

Minister for Law and Human Rights

Minister Yasonna Laoly
Jalan H.R. Rasuna Said Kav. 6-7
Jakarta Selatan 12940

Jakarta, Indonesia
Twitter: @Kemenkumham_RI

Fax: +62 (0)21 525 3004

Email: rohumas@kemenkumham.go.id

Salutation: Dear Minister

And copies to:

Chairperson National Human Rights

Commission (Komnas HAM)

Mr. Imdadun Rahmat

Jl. Latuharhary No. 4

Menteng, Jakarta Pusat 10310

Indonesia

Fax: +62 21 39 25 227

Email: pengaduan@konnasham.go.id

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY DR RIZAL SUKMA, Embassy of the Republic of Indonesia, 38 Grosvenor Square W1K 2HW, 02074997661, Fax 02074914993, kbri@btconnect.com, www.indonesianembassy.org.uk, Salutation: Your Excellency

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Blasphemy laws have been used by both Muslims and non-Muslims in attempts to stifle freedom of expression and religion in Indonesia, the largest Muslim-majority country in the world.

Although the blasphemy law (Presidential Decree No. 1/PNPS/1965) and Article 156(a) of the Criminal Code were enacted in 1965, they were used to prosecute only around 10 individuals between 1965 and 1998, when former President Suharto was in power during which time the right to freedom of expression was severely curtailed. Between 2005 and 2014 Amnesty International has recorded at least 106 individuals who have been prosecuted and convicted under blasphemy laws. Ahok is the first high rank government official convicted of blasphemy.

International human rights law requires states to prohibit advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, as provided in Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party. The prohibition relates to incitement against persons belonging to particular groups, including religious groups; it does not cover insult to religions or beliefs as such. In order to comply with the ICCPR, any such prohibition must be very precisely formulated to cover only forms of expression which contain both the element of advocacy of national, racial or religious hatred and the element of incitement against the people concerned; moreover, such acts may only be criminally prosecuted if there is evidence of intent with regard to both elements.

The blasphemy provisions in Articles 156 and 156(a) of the Criminal Code criminalise “any person who in public deliberately expresses his/her feelings or engages in actions that in principle is hostile and considered as abuse or defamation of a religion embraced in Indonesia”. While states are permitted under international human rights law to impose certain restrictions on the exercise of freedom of expression where this is demonstrably necessary for protection of the rights of others, this cannot be used to protect belief systems from criticism. The right to freedom of religion or belief protects the rights of individuals and groups, but does not protect religions as such, and does not include the right to have a religion or a belief that is free from criticism or ridicule. Accordingly, laws which prohibit expression on this basis, such as blasphemy or religious insult laws, are incompatible with the right to freedom of expression, and such provisions should be repealed.

Ahmad Mushaddeq, Mahful Muis Tumanurung, and Andry Cahya were convicted for blasphemy by the East Jakarta District Court on 7 March 2017. They are all leaders of the now disbanded, Fajar Nusantara Movement (Gafatar) adhering to ‘Millah Abraham’ religious belief that was considered by the Indonesian authorities of being ‘heretic’ because it intermixes the religious teachings of Islam, Christianity and Judaism. See <https://www.amnesty.org/en/documents/asa21/5851/2017/en/> for more information.

Amnesty International has previously called on the Indonesian authorities to repeal all blasphemy provisions set out in laws and regulations which impose restrictions on the right to freedom of expression and thought, conscience and religion which go beyond those permitted under international human rights law, or amend such provisions to bring them into compliance with Indonesia’s international human rights obligations.

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