

URGENT ACTION

FIVE YEARS IMPRISONMENT AND FINE FOR FACEBOOK POST

Alnoldy Bahari has been sentenced to five years imprisonment for Facebook posts deemed to be insulting of Islam and for allegedly spreading ‘hate speech’ under the country’s repressive Electronic Information and Transaction Law. Having only peacefully expressed his right to freedom of thought, conscience and religion, Alnoldy Bahari is a prisoner of conscience and must be immediately and unconditionally released.

Alnoldy Bahari was convicted of blasphemy and sentenced to five years in prison and a fine of 100 million rupiah (app. US\$ 7,150) by the Pandeglang District Court in Banten Province, Indonesia on 30 April 2018. First arrested and detained on 1 December 2017, he was charged with blasphemy under Article 156(a) of the Criminal Code, and Article 28(2) of the Electronic Information and Transaction (ITE) Law.

Alnoldy Bahari, a farmer in Pandeglang, was accused of ‘insulting Islam’ and spreading ‘hate speech’ for some of his personal posts on his Facebook wall. Some of the allegedly offensive statements include “I am a Muslim and I truly testify that there is no god but *Allah* (God). I have seen Allah, have you?” and “If a fake Muslim cleric has entered political realm, then Qur’anic verses are not absolute truth anymore”. Feeling insulted by the Facebook posts, some residents in Alnoldy Bahari’s neighbourhood reported him to the police.

Article 28(2) of the ITE Law, under which Alnoldy Bahari has been convicted now, carries a maximum sentence of six years’ imprisonment and a fine of up to one billion rupiah (US\$71,550) for “[a]ny person who deliberately and without right disseminates information aimed to inflict hatred or hostility on individuals and/or certain groups of community based on ethnic groups, religions, races and inter-groups (*antargolongan*).” While this provision refers to incitement against individuals, in practice, it has been used in the past to prosecute individuals accused of defaming or insulting a religion through online activities.

Blasphemy laws have been used by the authorities in attempts to stifle the rights to freedom of expression and religion in Indonesia. While Alnoldy Bahari is the first person in 2018, at least 11 people were convicted of blasphemy in 2017 either under Article 28(2) of the ITE Law or Article 156(a) of the Criminal Code.

Please write immediately in English, Bahasa Indonesia or your own language urging authorities to:

- Immediately and unconditionally release Alnoldy Bahari and all other individuals who have been solely detained for peacefully exercising their human rights;
- 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;
- Ensure that judges and prosecutors are aware of Indonesia’s international human rights obligations and the need for the application of national law to be consistent with them.

PLEASE SEND APPEALS BEFORE 18 JUNE 2018 TO:

Ministry of Law and Human Rights
Minister Yasonna Laoly
Ministry of Law and Human Rights
Jalan H.R. Rasuna Said Kav 6-7
Jakarta Selatan, DKI Jakarta12940
Indonesia
Fax: +62 (0)21 525 3004
Email: rohumas@kemenkumham.go.id
Salutation: Dear Minister

The Head of Judicial Commission
Prof. Dr. Aidul Fitriaciada Azhari
Indonesia Judicial Commission
Jl. Kramat Raya No. 57,
Jakarta Pusat, DKI Jakarta10450
Indonesia
Fax: +62 (0)21 390 6215
Email: kyri@komisiyudisial.go.id
Salutation: Dear Mr.

And copies to:
Chairperson of the National Human Rights Commission (Komnas HAM)
Mr. Ahmad Taufan Damanik
Komnas HAM
Jalan Latuharhary No. 4
Jakarta Pusat, 10310
Indonesia
Fax: +62 (0)21 392 5227
Email: info@komnasham.go.id

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY DR RIZAL SUKMA, Embassy of the Republic of Indonesia, 30 Great Peter Street, SW1P 2BU, 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

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 apply to blasphemy, which relates to ideas, such as religious beliefs or sacred symbols. 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 to discrimination, hostility or violence against the people concerned; moreover, such acts may only be criminally prosecuted if there is evidence of intent with regard to both elements.

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 religions and other 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 or the religious sensibilities of their adherents, and does not include the right to have a religion or a belief that is free from external or internal criticism or ridicule. The right to freedom of expression applies to information and ideas of all kinds including those that may be deeply offensive. 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.

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 and standards, or amend such provisions to bring them into compliance with Indonesia's international human rights obligations. (See <https://www.amnesty.org/en/documents/asa21/018/2014/en/> for more information.)

Ahmad Mushaddeq, Mahful Muis Tumanurung, and Andry Cahya were convicted of blasphemy by the East Jakarta District Court on 7 March 2017. They were all leaders of the now disbanded, Fajar Nusantara Movement (Gafatar) adhering to the 'Millah Abraham' religious belief that was considered by the Indonesian authorities as 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). In addition, Jakarta Governor Basuki Tjahaja Purnama, better known as "Ahok", was convicted and immediately sentenced to two years' imprisonment by the North Jakarta District Court on 9 May 2017 for blasphemy. 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. (See <https://www.amnesty.org/en/documents/asa21/6213/2017/en/> for more information.)