

# URGENT ACTION

## SURVIVOR OF SEXUAL HARASSMENT FACES IMPRISONMENT

**Baiq Nuril Maknun, an employee at a State High School in Lombok, Indonesia, has been found guilty of distributing pornographic content after she recorded a conversation in which the Principal sexually harassed her. The Supreme Court overturned the Mataram Local Court's non-guilty verdict, and she has been sentenced to 6 months in prison and fined IDR 500 million (US\$34,218) with one possibility to pursue a judicial review.**

**Baiq Nuril Maknun**, a temporary employee of a State High School in Lombok, Mataram, Indonesia, says she received repeated phone calls from the Principal of the school, where he boasted about his sexual relationships and attempts 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 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 had decided to distribute the recording to one of her colleagues to support his sister's stance, who 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's reassignment to a position within the agency itself. 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 found innocent of the charge in the first hearing 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 issued a fine of IDR 500 million (USD 34,218). Due to mass public outcry of the Supreme Court's verdict, on 19 November 2018 the Attorney General's office decided to suspend her prison sentence, a mere two days before she was scheduled to start serving her time. This suspension in proceedings will allow Baiq Nuril Maknun and her lawyers time to pursue a judicial review to challenge the verdict.

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

- Provide clear and effective judicial review with fair trial standards to Baiq Nuril Maknun;
- Investigate the accusation of sexual harassment against the Principal and where appropriate evidence, prosecute him according to the law;
- Repeal or amend all problematic legal provisions contained in Information and Electronic Transaction Law and defamation laws which may be used to criminalize or discourage survivors of sexual and gender-based violence like Baiq Nuril Maknun from making complaints to the authorities.

### **PLEASE SEND APPEALS BEFORE 2 JANUARY 2019 TO:**

General Attorney Office  
H.M Prasetyo  
Attorney General Office  
Jl. Sultan Hasanuddin No. 1, Kby. Baru  
Jakarta Selatan, DKI Jakarta  
Indonesia 12160  
Email:  
humas.puspenkum@kejaksaan.go.id  
**Salutation: Dear Mr. Attorney**

Ministry of State Secretariat Office  
Pratikno  
Minister of State Secretariat  
Jl Veteran No. 17-18 Jakarta Pusat, DKI  
Jakarta  
Indonesia 10110  
Email: humas@setneg.go.id  
**Salutation: Dear Minister**

**And copies to:**  
The Head of National Human Rights  
Commission  
Ahmad Taufan Damanik  
Jl. Latuharhari No. 4B, Menteng,  
Jakarta Pusat, Indonesia 10310  
Fax: +62 21 392 5227  
Email: info@komnasham.go.id

### **Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

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

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Baiq Nuril Makmun, 40 years old, is now a housewife living in Labu Api, West Lombok Regent, West Nusa Tenggara Province, Indonesia. Previously she was a temporary employee working in the administration office of a state senior high school in Mataram, West Nusa Tenggara, Indonesia. Her working contract was terminated due to her recording a conversation in a cell phone. Later, she was sentenced to jail in cassation process for recording a conversation which was evidence of sexual harassment and the alleged perpetrator was not investigated and was promoted after the events. Moreover, Baiq Nuril Makmun's condition has been further deteriorated both physically and mentally, as she has been further victimised by the ongoing circulation of the conversation without her consent.

In the meantime, the School Principal reported Baiq Nuril using a notorious transmission of pornographic content and defamation regulations which are prescribed by Law on Information and Electronic Transaction, even though she was not responsible for transmitting the recording to others. The Article 27 and Article 28 in the said law have been used to criminalize people who exercise their freedom of expression using electronic means, for example, sharing opinion in social media, writing blog posts, etc. Since 2008, Southeast Asia Freedom of Expression Network (SAFENet) reported 245 charges are administered under the said articles, whilst 35% of the allegations are made by public officials. The articles often used to silence critics or reports of any criminal allegation involving public officials. In this case the application of such laws is likely to have an alarming impact on survivors of sexual or gender-based violence reporting such crimes to the authorities. These draconian articles have been left untouched even though their judicial review had been done repetitively.