

INDONESIA

Indonesia's transition to democracy since 1998 has contributed to a gradual improvement in conditions for human rights, including religious freedom, over the past several years. President Susilo Bambang Yudhoyono's government continues to take positive steps to address terrorist and sectarian violence and to bring peace to the region of Aceh. In addition, the majority of Indonesia's diverse religious communities operate openly and without many restrictions. Nevertheless, the Commission remains concerned about the continued instances of communal violence, the forcible closures of places of worship belonging to religious minorities, the growing political power and influence of religious extremists, the human rights abuses perpetuated by the military and police, and the harassment and arrest of religious individuals considered "deviant" under Indonesian law. Moreover, various segments of the Indonesian government sometimes tolerate discrimination and abuse of religious minorities by extremist groups. Because of these persistent concerns, the Commission continues to place Indonesia on its Watch List.

Islam in Indonesia is known historically for its tolerance and its assimilation of a variety of indigenous cultural traditions. Over the past decade, there has been a revival of Islamic awareness and piety, previously repressed by the government. The wearing of Islamic dress has re-emerged as an outward sign of devotion; the number of Islamic banks, businesses, and publications is growing; and Islamic-themed art and fiction are becoming more popular. Indonesian Muslim leaders have engaged in vibrant discussions on the nature of democracy and pluralism, the separation of religion and state, women's rights, and human rights more generally. There are numerous religious

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A temple in Ubud, Bali

political parties and the role of Islam in politics and society, as well as the growth of terrorism, are discussed widely on television and radio and in numerous public fora, including during the 2004 presidential debates.

Religious extremists are a small but influential minority in Indonesia and there is evidence that support for extremist positions is on the rise among Indonesian Muslims. A recent nation-wide survey conducted by the Indonesia Survey Institute (LSI) concluded that the majority of Indonesians support such actions as the stoning to death of adulterers, the acceptance of polygamy, the cutting off of the hand of thieves, violence against those who blaspheme Islam, and a restricted social sphere for unmarried women—positions that depart from past attitudes on similar subjects. There are thus growing concerns that more militant strains of Islam are having a greater influence on attitudes, gaining political strength in some local areas, and possibly inciting mobs to communal violence or acts of terrorism. Moderate Muslim leaders and members of religious

minorities report that they continue to face pressure, intimidation, or sometimes violence from protestors organized by extremist groups. There are fears that Indonesia's culture of pluralism and tolerance is being slowly eroded by those espousing an extremist interpretation of Islam.

Over the past several years, members of such groups as Islamic Defenders Front (FPI), the Indonesian Council of Martyrs (MMI), the Alliances for Anti-Apostates, the Islamic Umat Forum (FUI), and Laskar Jundullah have used pressure, intimidation, or violence against those whose views or actions they found unacceptable. Their actions have included intimidating judges and local officials; vandalizing and destroying buildings belonging to religious minorities, including Christian churches, Hindu temples, and Ahmadiyah mosques; threatening moderate Muslims or those considered "deviant"; and forcing the closure of some non-Muslim businesses during Ramadan. These actions have continued in the last year. The offices of the Liberal Islam Network (JIL), whose appeals for pluralism and tolerance in Indonesia angered extremist groups, were attacked by mobs in August 2005. Police prevented the mobs from destroying the JIL offices, but the lives of JIL leaders continue to be threatened by extremists. In February 2006, hundreds of protestors closed down a home used as a Hindu temple in Tangerang City, Banten Province; the protestors claimed that no Hindus lived in the region. In March 2006, members of Laskar Jundullah accused two foreign university linguists living in South Sulawesi of translating the Bible into the local dialect and demanded that the two long-time residents be deported. Police dispersed the crowd, but allowed some in the group to ransack the couple's home. In October 2006, a mob in Bogor, West Java beat to death Muslim cleric Alih bin Hadi, who was accused of holding heretical views, including that the *hajj* to Mecca was unnecessary, that *zakat* could be paid later than is customary, and that religious services could be held late at night. Previously, Alih had agreed to leave Bogor and stop preaching, but he returned a month before he was beaten to death. An investigation into his death is ongoing.

Violence targeting Ahmadiyah Muslims has risen dramatically since the July 2005 *fatwa* by the Indonesian Ulema Council (MUI) that condemned the Ahmadiyahs as a heretical sect. The MUI is not a government entity and its *fatwas* do not carry the force of law; however, the Indonesian government has not publicly distanced itself from the MUI edicts. Mosques and individuals associated with Ahmadiyah were attacked by mobs on numerous occasions

during the past year. Police and local government authorities have sometimes assisted the mobs or acquiesced in their activities. In February 2006, an Ahmadiyah housing complex in Gegerungan, Lombok was attacked; six persons were injured and 25 homes were destroyed. Reports indicate that police knew of the attack beforehand but were unable or unwilling to stop the violence. Although police briefly arrested several participants in the Gegerungan attack, they were quickly released when a mob protested at the police station. In March 2006, members of the Anti-Ahmadiyah Alliance destroyed homes of Ahmadiyah members in Prapen, Lombok; there were no arrests after this attack. As of this writing, 150 Ahmadiyah residents of Lombok were living in an Internal Displaced Persons (IDP) camp in Mataram, since they have not been allowed to return to or rebuild their homes.

In South Sulawesi province, mobs closed and vandalized Ahmadiyah mosques and threatened Ahmadiyah followers in February, April, and October 2006. No arrests were made in any of these attacks. In October 2006 in Bogor, West Java, a mob damaged an Ahmadiyah mosque and the house of a local resident; no arrests were made in this case. In addition, some local governments continue to ban the activities of Ahmadiyah and other "messianic" Islamic sects, as well as some non-Muslim groups. The province of West Nusa Tenggara issued a ban on 13 religious sects, including Ahmadiyahs, Jehovah's Witnesses, Hare Krishnas, and nine forms of indigenous beliefs as alleged deviations from Islam, Christianity, and Hinduism. Reports indicate that the real targets of the legislation were Ahmadiyah and a messianic Islamic sect called Jamaah Salyifiah. Local bans on Ahmadiyah practice were extended or remain in force in parts of West Java and West Nusa Tenggara.

In recent years, extremist groups have incited mobs and intimidated local officials to close churches, mosques, and temples. In 2005, at least 50 Protestant churches, nine Ahmadiyah mosques, and seven Hindu temples were forcibly closed or damaged. The number of closures and mob violence directed at religious venues declined in the last year, though reports continue to emerge of church, temple, and mosque closures. In the last year, at least nine Protestant churches, four Ahmadiyah mosques, and one Hindu temple have been closed or damaged in the areas of West Java, North Sumatra, South Sulawesi, and West Nusa Tenggara. Police almost never act to prevent forced church, temple, or mosque closings and sometimes as-

sisted militant groups in the closures. One factor in the large number of church and temple closures in recent years was a vaguely-worded decree issued in 1969 that required religious groups to gain “community approval” before they could expand, renovate, or open new religious venues. In areas where Christians, Hindus, or Muslims were in the minority, this provision made building permits difficult, if not impossible, to obtain. In addition, in some places, extremists pressured local government officials to revoke permits of longstanding places of worship and or destroyed those operating without permits.

In response to persistent criticism from religious minorities and international observers, the Ministry of Religion issued a new decree last year, known as Joint Ministerial Decree 1/2006. Decree 1/2006 requires a religious group with a membership over 90 persons to obtain the support of 60 local residents for any plans to build or expand a religious venue. That petition must then be sent to the Joint Forum for Religious Tolerance (FKUB), a provincial panel of religious leaders chosen proportionally by the number of religious adherents in the province. If there remains strong community opposition to the religious venue, the FKUB can find an alternative location. Observers claim that the new decree is designed to stop the proliferation of “house churches” and small Hindu temples (fewer than 90 members) and to remove permit decisions from local authorities who are subject to intimidation and corruption. One supporter of the decree stated that it was issued to bring “social harmony.” He told the *Jakarta Post*, “if we don’t limit the places of worship they will be abundant. There would be competition from different religions

or sects, and it would create public disorder.” Prominent Muslim religious leaders have stated publicly that the new decree is more restrictive than the previous one and might violate Article 18 of the International Covenant on Civil and Political Rights. At this time, it is too soon to determine if the new decree has contributed to the overall decline in the number of religious venues closed over the last year. The Commission will continue to monitor the decree and the forced closure of religious venues.

The number of violent and terrorist acts in Central Sulawesi and the Maluku has decreased in the last year and police have arrested some of those responsible for past violence. However, instances of mob and terrorist violence continue to occur in Central Sulawesi, where political, religious, and economic tensions between the Christian and Muslim communities has the potential to re-ignite past sectarian violence. Extremist groups, including members of Mujahadin Kompak (MK), a militant offshoot of Jemaah Islamiyah (JI), are known to train, recruit, and operate in Central and South Sulawesi. These militant groups frequently have been responsible for attacks on religious minorities and police, instigating mob actions to restrict religious activities, and organizing political efforts to segregate Central Sulawesi into Muslim and Christian districts. In 2005, extremists beheaded three Christian girls, shot two others waiting for a school bus, attacked Protestant religious leaders and services, and bombed a pork market and a Hindu temple in Poso and Palu, Central Sulawesi. Local religious leaders condemned the attacks as the work of “outside extremists” seeking to undermine interfaith reconciliation efforts. President Yudhoyono publicly condemned the violence in Central Sulawesi. Counter-terrorism units and police investigators from Jakarta were sent to coordinate investigations and seek out members of terrorist groups. These measures have produced some arrests, convictions, and the deaths of suspected terrorists. In May 2006, police apprehended three men who confessed to the beheadings of the Christian schoolgirls in Poso. In March 2007, the purported mastermind of the attacks was given a 20 year sentence, and his accomplices 14 year sentences. In addition to these arrests, police also apprehended at least 10 others who confessed to participating in various bombings, beheadings, and shootings in Central Sulawesi over the past two years.

Despite these successes, police tactics and alleged judicial favoritism have exacerbated communal tensions. For example, in September 2006, Fabianus Tibo, Doming-



Muslims praying at the Istiqlal Mosque in Jakarta



An Indonesian village

gus da Silva, and Marianus Riwu were executed for their alleged roles in the 2000 killings of 191 Muslims at a local boarding school. Despite evidence that called into question the case against the three, including the public reservations of Poso's former Chief of Police, subsequent higher courts allowed the execution to proceed. The executions led to violence in areas of East Nusa Tenggara Province (where the three men were born) and in Central Sulawesi. In Flores, East Nusa Tenggara, 3,000 Christians rioted and burned down government buildings. In Kefamananu and Atambua, West Timor, between 3,000 and 5,000 persons, largely Christian, rioted, destroying government buildings, homes, and vehicles. In Central Sulawesi, on the same day as the executions, a mob beat two Muslims to death in the predominately Christian village of Tariapa. Police arrested 17 people for participating in the killings; all of them admitted their involvement. Several other incidents occurred following the executions, including three small bombings, attacks on both Muslims and Christians, and an attack on the new Central Sulawesi police chief.

The tactics of an elite counter-terrorism unit called Detachment 88, which is partially trained and equipped by U.S. foreign assistance grants, have also exacerbated tensions in Central Sulawesi. In the months following the executions of Tibo, da Silva, and Riwu, Detachment 88 units moved to arrest Muslim individuals suspected of participating in sectarian violence. In three separate raids during January 2007, police killed at least 16 people and captured 28 other suspects. During the funerals for two of those killed in the raids, mobs rioted, killing three people, including a local policeman. A week later, bombs exploded in the Ecclesia Poso Church, though there were no casualties. Lo-

cal religious leaders report that extremists are now portraying the police as *thoghut* (anti-Muslim forces). They are also concerned that the tactics used by Detachment 88 had only increased sympathy for extremists in Central Sulawesi, will attract *jihadists* from other regions to Sulawesi, and may increase attacks against local Christians. Many grievances remain about the sectarian conflict that occurred in 1999-2001, including fears that few of those responsible for instigating the violence will be held accountable. An estimated 35,000 people continue to live in IDP camps.

The Indonesian government has made some notable progress in other areas, however. For example, the government has prosecuted more than 50 persons accused of religiously motivated terrorism, including six individuals responsible for the suicide attack on the Australian Embassy and 32 individuals for involvement in extremist violence in the Malukus during 1999-2001. There have been no instances of communal and sectarian violence in the Malukus during the past two years. In addition, the Indonesian government continues to encourage inter-religious tolerance and cooperation. Some Indonesian government officials have continued to work with local Muslim and Christian community leaders to defuse tensions in conflict areas. There are also a growing number of inter-religious non-governmental organizations initiating discussions on pluralism, democracy, religious tolerance, and human rights.

Currently, there are 13 individuals being held on charges based primarily on religion or belief. Most have been charged under Article 156 and 156a of the criminal code, according to which "expressing feelings of hostility, hatred or contempt against religions" and "disgracing a religion" are punishable by up to five years in jail. Lia Eden, leader of the messianic Muslim sect Jamaah Alamulla, was sentenced to two years in jail for "denigrating religion." Iman Muhammad Yusman Roy was sentenced to two years in jail in East Java's Malang District Court for reciting prayers in the Indonesian language, which local officials claimed tarnished the purity of Islam. Sumardi Tappaya, a Muslim high school religious teacher on Sulawesi, was sentenced to six months in jail in June 2006 on charges of heresy. A relative had accused him of whistling during prayers, and local religious officials declared that whistling was "deviant." A foreign citizen and an Indonesian were sentenced to five months and two and half years in prison for "proselytizing" and "denigrating religion" while working as humanitarian aid workers on the island of Madura in November 2006. Six counselors at an East Java drug and

cancer treatment center were arrested and sentenced to between five and three years in jail for violating key precepts of Islam. Local religious leaders characterized their rehabilitation center's teachings as heretical. Rus'an, a lecturer at the Muhammadiyah University in Palu, Central Sulawesi, was charged with heresy and is currently under house arrest for publishing an article entitled "Islam, A Failed Religion," about corruption in the Ministry of Religious Affairs. He was arrested after 2,000 people protested and closed the Palu paper where the article had been published. Also in prison are three Protestant women who were sentenced to three years in jail under the Child Protection Law for allegedly attempting to convert Muslim children at their daycare center and youth recreation programs. The women claimed that family members had given permission for their children to attend the event and that no proselytizing had occurred. Witnesses failed to support the women during the trial because of alleged intimidation from the community and local mobs. The judge at the trial also admitted to being intimidated by extremist groups that attended the trial. The case remains on appeal at the Supreme Court.

In August 2005, the Indonesian government concluded a comprehensive peace agreement with the insurgent group Free Aceh Movement (GAM), ending a 30-year conflict that had resulted in significant human rights abuses. The agreement has recently led to a newly elected government and hope for a region hard hit by the tsunami and decades of civil conflict. However, neither the peace agreement nor the elections overturned Aceh's special autonomy status, which allowed the province to establish and implement sharia law and establish sharia courts. Since 2003, there has been a dramatic expansion of the role and power of sharia courts and their vice patrols, locally known as the *Wilayatul Hisbah*. Over the past year, reports indicate that at least 100 persons in Aceh were caned for crimes such as being alone with persons of the opposite sex who were not blood relatives, consuming alcohol, and gambling. Public canings sometimes have drawn crowds in the thousands. Though religious leaders insist that public caning is supposed to be a method of "shame not pain," there are reports that some persons required hospitalization. The jurisdiction of sharia courts and the power of the *Wilayatul Hisbah* will be controversial issues for the new Acehese government to face and will require continued monitoring.

The expansion of sharia in Aceh has influenced local initiatives elsewhere in Indonesia. Efforts to implement sharia provisions nationally have consistently been defeated by a coalition of religious minorities and the largest Muslim organizations. However, some provinces and localities are enforcing Islamic law at the municipal and regional levels. Indonesian non-governmental organizations estimate that at least 66 *perda syaria* or local sharia laws have been promulgated and enforced in the past three years. In South Sulawesi, Madura, and Padang, West Sumatra, local authorities issued laws extending sharia provisions to all Muslims, including enforcement of Islamic dress, prohibition on alcohol, and caning punishments. In Madura and South Sulawesi, civil servants are required to cease work activities during the call to prayer and recitation of the Koran is reportedly being required for promotion. Similar laws have already been implemented in parts of West Java, including Cianjur, Tasikmalaya, and Garut. In the city of Tangerang, Banten Province, local laws have banned public displays of affection, alcohol consumption, and prostitution. These laws apply to Muslims and non-Muslims. The anti-prostitution ban is being challenged in Indonesian courts because it defines a prostitute as anyone who draws attention to him or herself by attitude, behavior, or dress. In the past year, according to the State Department, 31 women were arrested as prostitutes, including a married mother waiting at a bus stop during the early evening. Fifty-six Indonesian parliamentarians issued a petition calling for a review of local sharia legislation to determine if the laws conflicted with constitutional protections and national laws. The petition was later dropped, and no review was instituted. Indonesian human rights advocates have expressed fears that local *perda syaria* legislation is a backdoor attempt to implement sharia nationally and may be used to mobilize political support for the more extremist Muslim parties during the 2009 elections.

U.S. government assistance currently supports programs in conflict resolution, multi-religious dialogue and tolerance, pluralism, and education, programs that are in line with previous recommendations by the Commission.

The Commission regularly meets with Indonesian political leaders, human rights activists and defenders, journalists, and religious leaders, including representatives of Muslim, Christian, and Hindu communities from the regions of Aceh, Papua, Sulawesi, Java, Bali, and the Maluku.

The Commissions recommends that the U.S. government urge the government of Indonesia to:

- disarm fully and disband all outside militia forces in Sulawesi, the Maluku, and Papua, such as Laskar Jundullah, Mujahidin Kompak, and Laskar Merah Putih;
 - continue efforts to bring those who participated in, or are responsible for, sectarian and ethnic violence in Central Sulawesi, Maluku, and Papua to justice, by providing fair and transparent trials;
 - provide protection for religious venues, as well as restitution to religious communities whose venues have been destroyed or closed due to mob violence or protest, and ensure that those responsible for such acts are prosecuted;
 - establish an independent commission, composed of prominent persons in Poso, with a presidential mandate to question civilian and military authorities about police and military activities during the violence in 2000-2001, to examine grievances from the 2000-2001 conflict and suggest ways to address them, and to make recommendations about civilian and police activities to address current communal and terrorist activities;
 - commit sufficient resources for the resettlement of an estimated 35,000 Internally Displaced Persons (IDPs) in Central Sulawesi and the Maluku, who are a reminder of the 1999-2002 sectarian violence and a potential recruitment pool for extremists;
 - publicly address the July 2005 Indonesian Ulama Council (MUI) *fatwas* prohibiting interfaith prayer, interfaith marriage, interfaith inheritance, religious pluralism, liberalism, and secularism, as well as the decisions condemning the Ahmadiyah community, as contradicting the ideals of religious freedom and tolerance in Indonesia's Constitution, and condemn publicly the communal violence and harassment that followed the issuance of the *fatwas* targeting moderate Muslim organizations, such as the Liberal Islam Network (JIL), as well as Ahmadiyah mosques and religious centers;
 - amend the Joint Ministerial Decree No. 1/2006 (Regulation on Building Houses of Worship) to bring it into compliance with the Indonesian Constitution's protection of religious freedom as well as international standards, and removes any restrictive barriers on building and re-furbishing places of worship for all religious groups in Indonesia; and
 - transfer or remove from Papua any security, police, and militia personnel who were indicted for activities related to serious human rights abuses and war crimes by the UN's Serious Crimes Investigation Unit (SCIU) and the Ad Hoc Human Rights Court for East Timor in Jakarta.
- In addition, the Commission recommends that the U.S. government should:
- commend the government of Indonesia for its efforts to curb terrorism, establish peace in Aceh, and promote inter-religious understanding, conflict mitigation, and a vibrant discussion among members of civil society on the role of Islam in supporting human rights, democracy, and pluralism;
 - consistent with the National Security Strategy of the United States (2006), continue to expand U.S.-Indonesian cooperation in economic development, democracy, education, good governance, pluralism, and rule of law programs by:
 - supporting Indonesia's evolving legal and human rights reform agenda by providing training, capacity building, and targeted exchanges with Indonesian government agencies, legal and judicial institutions and legal and human rights-focused civil society organizations, including the National Human Rights Commission (Komnas HAM), the Supreme Court, and the Directorate General of Human Rights in the Ministry of Justice and Human Rights;
 - expand exchange programs that bring Indonesian scholars, judges, lawyers, and activists to the United States to initiate discussions with governmental, academic, and non-governmental experts on human rights, including religious freedom, rule of law, and the relationship between religion and the state;
 - establish programs and work with allies in Europe and elsewhere to support monitoring of the implementation of sharia law in Aceh and other parts of Indonesia to determine if individual rights and freedoms, including religious freedom, are being guaranteed for

- all citizens and making sure that U.S. humanitarian and foreign assistance programs do not support sharia police or courts in Aceh or other municipalities in Indonesia;
- monitoring and publicly reporting on the impact of U.S.-funded humanitarian relief and post-conflict development programs on the promotion of religious freedom and other human rights, monitoring that should include, for example, a report to the appropriate congressional committees;
 - establishing programs that promote training and capacity-building for Indonesian human rights-focused civil society organizations involved in conflict resolution, inter-religious dialogue, reconciliation, public interest law, and economic and social development in areas of communal and sectarian conflict;
 - prioritizing support for non-governmental organizations (NGOs) and human rights-focused civil society organizations pursuing programs on inter-religious economic development, conflict prevention and social cohesion, and the resettlement of internally displaced persons in potential flashpoint areas such as Central Sulawesi, the Maluku, Papua, or parts of West Java;
 - expanding U.S. government support for the promotion of religious pluralism in Indonesia by supporting seminars and conferences, international exchanges, intra-religious dialogue, and new radio, television, and publishing activities of interfaith and private organizations that promote respect for religious freedom and human rights; and
- expanding support for media, dialogue, and publishing ventures of Indonesian organizations seeking to promote intra-Muslim dialogue on the compatibility of Islam and human rights, democracy, and pluralism, including the translation of books by prominent Indonesian scholars into, as appropriate, Arabic, Urdu, Persian, Turkish, and English; and
 - ensure that any ties with the Indonesian military and police should include, as priorities:
 - reform of the Indonesian military, including transfer to civilian control, training in international human rights standards, and technical assistance in military law and tribunals;
 - dedicated funds for training Indonesian police in counter-terrorism techniques and protecting human rights in areas of sectarian conflict, including fellowships to the International Law Enforcement Academy (ILEA) in Bangkok, Thailand and participation in UN Police training programs (UNPOL); and
 - denial of U.S. assistance to any police or military unit found to engage in a pattern of violations of human rights.