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UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM



INDONESIA

Indonesia's transition to democracy since 1998 has contributed to a gradual improvement in conditions for human rights, including religious freedom. The majority of Indonesia's diverse religious communities operate openly and without many restrictions, though religious groups outside of the six officially-recognized religions (Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism) face some restrictions and discrimination. President Susilo Bambang Yudhoyono's government continues to take positive steps to address terrorism and past sectarian violence and to bring peace to the region of Aceh. The Commission remains concerned, however, about 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 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 and accommodation 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 former military 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 political parties and the role of Islam in politics and society, as well as the growth of terrorism justified on religious grounds, are topics discussed widely on television and radio and in numerous public fora, including during the 2004 presidential debates.

The revival of Islamic piety, coupled with Indonesia's new democratic openness, has strengthened Indonesia's moderate Muslim institutions, but it has also nurtured

religious groups espousing intolerance and extremism under the banner of Islamic orthodoxy. There continue to be a disturbing number of instances where allegedly heterodox Muslims and some non-Muslims face intimidation, arrest, or other violence for "denigrating religion," "deviancy," or "blasphemy." If radical religious groups were to build a unified political base, there would be legitimate fears that Indonesia's culture of pluralism, moderation, and tolerance would be eroded. Given the upcoming 2009 Presidential election, the full protection of religious freedom, for all of Indonesia's diverse religious communities, will be an important bellwether of Indonesia's commitment to democracy.

In 2002, the Commission placed Indonesia on its Watch List after sectarian violence in Central Sulawesi and the Malukues claimed thousands of lives and displaced tens of thousands of others. Religiously-motivated violence has declined sharply since that time and police have arrested—and local courts have sentenced—some individuals responsible for those acts of violence. While sectarian tensions remain tense in some places, local re-

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ligious leaders and government officials, including Vice President Josef Kalla, have worked to promote reconciliation and defuse tensions in former conflict areas. Local governments have instituted interfaith development projects to rebuild churches, mosques, and homes destroyed in past violence. According to the State Department's 2007 *Country Reports on Human Rights Practices*, police

have arrested dozens of suspects, both Christians and Muslims, for past involvement in sectarian violence. Significantly, there have been no deaths or injuries related to communal or sectarian violence in the Malukus during the past two years.

Nevertheless, mob violence, terrorist acts, and sectarian tensions continue to be problems in Central Sulawesi, despite active efforts by local authorities to promote reconciliation and by police and security forces to apprehend perpetrators. Extremist groups continue to train, recruit, and operate in Central and South Sulawesi, and these groups have frequently been responsible for attacks on members of religious minorities and police, instigating mob actions to restrict religious activities, and organizing political efforts to segregate Central Sulawesi into Muslim and Christian enclaves. 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. Police arrested the individual who planned the beheadings of the schoolgirls in Poso. In March 2007, the purported mastermind of the attacks was given a 20-year sentence and his accomplices were given 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. Police in Central Sulawesi claim that they have arrested or killed 18 of the 29 individuals “most wanted” for sectarian violence, including two individuals accused of the 2006 assassination of Reverend Irianto Kongkoli.

Despite some successes, police tactics and alleged judicial favoritism have combined sometimes to exacerbate communal tensions. For example, in September 2006, Fabianus Tibo, Dominggus 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 Christians, 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 Taripa. 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 Muslim and Christian targets, and an attack on the new Central Sulawesi police chief. Local religious leaders report that police continue to protect churches during services.

In 2006, Vice President Kalla met with community and religious leaders in Central Sulawesi to urge reconciliation and assured residents that security personnel would remain in Poso to help resolve local conflicts. Some local religious leaders contend that the tactics used by counterterrorism units and police investigators sent from Jakarta, including a counter-terrorism unit called Detachment 88, a group partially trained and equipped by U.S. foreign assistance grants, have the potential to exacerbate problems further in Central Sulawesi. In the months following the executions of Tibo, da Silva, and Riwu, Detachment 88 units moved aggressively 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. Local religious leaders report that extremists are now portraying the police as *thoghut* (anti-Muslim forces). There are concerns that the harsh tactics used by Detachment 88 will increase sympathy for extremists in Central Sulawesi, attract religious militants from other regions to Sulawesi, and eventually lead to a backlash 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 camps for the internally displaced. Extremist groups, such as *Mujahidin Kompak* (MK) and *Tanah Runtuh*, continue to train and operate in Sulawesi. The June 2007 arrest of suspected terrorist leader Abu Dujana confirmed that terrorist networks are aiming to stoke sectarian tensions in Central Sulawesi



The Pura Ulun Danau Temple at Lake Batur, Bali.

by planning bombings and assassinations of religious leaders.

The Indonesian government continues to make notable progress in capturing and prosecuting persons accused of specific terrorist activities. Over the past several years, the government has prosecuted six individuals responsible for the suicide attack on the Australian Embassy in 2004, and three individuals who planned and implemented the 2005 Bali bombing. In 2007, police also arrested 17 *Jemaah Islamiyah* (JI) suspects for planning new terrorist operations in Central Sulawesi. In April 2008, an Indonesian court officially declared JI a terrorist organization and sentenced its military commander, Abu Dujana, to 15 years imprisonment for stockpiling weapons, harboring fugitives, and committing terrorist violence. The Court's decision could pave the way for the banning of JI in Indonesia, something that the Indonesian government has heretofore been reluctant to do.

Religious extremists are a very small but still influential minority in Indonesia. Moderate Muslim leaders and members of religious minorities report that they continue to face pressure, intimidation, or sometimes violence from protests organized by extremist groups. According to the Indonesian Institute on Democracy and Peace (SETARA),

communal violence and the arrest and detention of predominantly Muslim individuals considered “deviant” under Indonesia law have risen during the past year. In most cases, extremists groups instigated mob violence or pressured local officials to make arrests or close religious venues. The epicenter of most religious freedom restrictions and abuses is in the region of West Java, with important cases occurring in East Java, West Nusa Tenggara, Jakarta, and Yogyakarta.

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 (AGAP), 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 Indo-

nesia angered extremist groups, were attacked by mobs in August 2005. Police prevented the mobs from destroying the JIL offices, but JIL leaders continue to face pressure and some threats. In February 2006, hundreds of protesters 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-

its closure for allegedly seeking to convert local Muslims, though church leaders denied these allegations. In June 2007, a militant group vandalized a Protestant church in Bandung Regency, West Java. Two weeks later, demonstrators picketed a nearby church and housing complex demanding that worship in private homes be stopped. In both cases, worship activity was halted.

In September 2007, a mob attacked and tried to destroy a church in Bandung, West Java, complaining that the noise made in worship disturbed the local community. In September 2007, a large crowd burned down a church in Siompi, Aceh and confronted worshippers during a meeting. Police briefly detained the pastor, allegedly because there were death threats made against him. At this time, the church has disbanded. In November 2007, individuals claiming to represent local villagers pressured provincial authorities in Duri Selatan village, Tambora district, West Jakarta to close a Catholic church. Also in November, members of several Muslim organizations pressured provincial officials to cancel building permits for a large Hindu temple in Bayan district, West Lombok, West Nusa Tenggara. In December, government officials successfully averted an attack on a Shi'a mosque in Mataram, West Nusa Tenggara, but later banned the Shi'a group's activities in the city. Several Shi'a communities in East Java and Madura faced attacks, vandalism, threats, and legal action beginning in December 2007. In January 2008, a mob burned the Sangkareang Hindu temple, destroying the building and its contents, in Keru district, West Lombok.

Police rarely arrest those responsible for vandalizing or destroying property of religious groups, but have intervened in some cases to prevent property destruction and to disperse crowds. Local government officials have sought to mediate between militant groups and religious minorities in some cases, but most often acquiesce to pressure from militants and revoke permits for longstanding places of worship or allow the destruction of religious venues operating without permits. In response to persistent criticism from religious minorities and international observers over the number of religious venues closed or destroyed in Indonesia, the Ministry of Religion issued Joint Ministerial Decree 1/2006 to replace a previous, vaguely-worded decree that required religious groups to gain "community approval" before they could expand, renovate, or open new religious venues. Decree 1/2006 requires a religious group with a membership of more

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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. Three men are currently being held in custody for allegedly planning Alih's murder.

In the past year, according to Indonesian religious groups and human rights activists, there have been over 35 incidents of mob action targeting the worship activities or venues of religious minority groups, a figure slightly lower than in previous years. In March, 2007, over 200 FPI members attacked the Arastamar School of Theology in East Jakarta, demanding that the school be closed down. Police intervened to stop vandalism of the property and the school remains open. In April 2007, dozens of individuals associated with the Anti-Apostasy Division (DAP) picketed a church in Bandung, West Java and demanded

than 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. 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. It is too soon to evaluate fully whether Decree 1/2006 will reduce the number of forced closures of religious venues. In December 2007, the government announced its intention to “crack down” on mob violence targeting the worship venues of religious minorities. Nonetheless, Christian and Hindu groups continue to report discrimination or vandalism, despite having obtained the necessary signatures. For example, five Protestant churches in North Bekasi, Jabotabek region, East Jakarta continue to face vandalism and sporadic protests from the group Musholla (Cooperating Bureau of Mosques and Praying Rooms) because they meet in private homes and dwellings. Although they continue to worship and police protect their activities, local political leaders have not given permission for the churches to build permanent structures, despite the 2006 Ministerial Decree. The Commission will continue to monitor the decree, instances of forced closure of religious venues, and the ability of the Indonesian government to hold accountable groups that perpetrate violence and intimidation against members of religious minorities.

Violence and legal restrictions targeting Ahmadiyah Muslims have risen dramatically since the July 2005 *fatwa* by the Indonesian Ulema Council (MUI) that condemned the Ahmadiyahs as a heretical sect. The MUI *fatwas* do not carry the force of law; however, police and prosecutors in some areas reference MUI edicts when making arrests and detentions of so-called “deviant” sects. In addition, the Indonesian government has not publicly distanced itself from recent MUI edicts. In the past two years, there have been numerous attacks by militant groups on

mosques, properties, and individuals associated with Ahmadiyah. Police and local government authorities sometimes assisted mob violence or otherwise condoned militants’ 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, 181 Ahmadiyah residents of Lombok were living in an internally displaced persons (IDP) camp in Mataram; 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 Salyifah. Local bans



Prayer at Mosque Istiqlal in Jakarta.

on Ahmadiyah practice were extended or remain in force in parts of West Java and West Nusa Tenggara.

Ahmadiyah religious leaders and Indonesian human rights groups report that 15 incidents occurred in 2007 involving property destruction, intimidation of worshippers, and continued closure of religious venues. In June 2007, FPI staged two anti-Ahmadiyah demonstrations at a mosque in Tasikmalaya, West Java. The protestors demanded that the mosque be closed, vandalized the building, and circulated a petition demanding that the regional parliament dissolve the Ahmadiyah community. The Parliament of Tasikmalaya refused to consider this petition, claiming that such a decision must be made by the central government. In November 2007, mobs attacked and destroyed Ahmadiyah mosques and properties in West Sumatra and West Java and threatened followers in Central Jakarta. In December, a series of mob attacks in Kuningan, West Java spread to other localities in West Java, including the villages of Manis Lor and Sukajaya, destroying homes and two mosques. In response to the December attacks, Vice President Kalla issued a statement that Muslims who attack members of “deviant” Islamic sects would face “tough” police action and asked provincial leaders to “unseal [allow to reopen]...Ahmadiyah places of worship.”

Despite Vice President Kalla’s public statements, there continue to be efforts to ban the Ahmadiyah in Indonesia. In April 2008, the government’s Coordinating Board for Monitoring Mystical Beliefs in Society (Bakor Pakem) recommended that the Ahmadiyah community be disbanded because it “continues to follow activities that deviate from mainstream Islamic teachings.” Following Bakor Pakem’s recommendation, the Ministry of Religious Affairs and the Home Ministry drafted a joint decree to outlaw the Ahmadiyah as a “heretical” sect. Leaders from Nahdlatul Ulama (NU) and Muhammadiyah, Indonesia’s two largest Muslim organizations, claimed that while the government has the authority to “outlaw” the group, they did not counsel such a move, instead proposing “elegant discourse” with Ahmadiyah leaders. Other prominent Indonesian religious leaders, including former President Gus Dur, former Muhammadiyah chairman Syafii Ma’arif, and noted Islamic scholar Azyumardi Azra, strongly condemned the draft joint decree, stating that such a move violated the Constitution’s guarantee of freedom of religion and reflected “extremist” elements in Islam rather than more “moderate” traditions that promote “peace, tolerance, and respect for religious difference.” President

Yudhoyono’s spokesman stated publicly that there was little support for the joint decree within the Presidential Advisory Council and claimed that the President himself believed that a ban would be a “bad precedent” for freedom of religion in Indonesia. As of this writing, no further action has been taken, but the draft decree has not been withdrawn, and radical groups have been threatening to take action if the government does not implement the joint decree.

The potential ban on Ahmadiyah reflects a larger trend in Indonesia, as provincial government arrest and sentence allegedly heretodox Muslims for “deviancy.” Since 2005, over 150 individuals have been arrested or briefly detained 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. Arrests, detentions, and re-education programs for “deviancy” continued in the past year. In 2006, Lia Eden, leader of the messianic Muslim sect Jamaah Alamulla, was sentenced to two years in jail for “denigrating religion.” In November 2007, Lia Eden’s deputy, Abdul Rachman, was sentenced to three years in prison for “blasphemy.”

In 2005, 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 one half years in prison, respectively, 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 three and five years in jail for allegedly 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 sentenced to 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. The lec-



An architectural detail depicting the life of Buddha at the Borobudur Temple, Java.

turer was later released from house arrest and fired by the University.

In the last year, according to reports from SETARA and the Wahid Institute, police have detained, held for re-education, or plan to pursue legal action against followers of a sect called Al-Qiyadah al-Islamiyah, a group with approximately 40,000 followers whose leader claims to be a prophet. In October and November 2007, police detained 125 members of Al-Qiyadah during raids in West Lombok, Yogyakarta, East Lombok, and Central Java. Ninety-six members of Al-Qiyadah publically signed documents renouncing their beliefs, including the sect's leader Ahmad Moshaddeq. Despite his recantation, Moshaddeq was sentenced to four years in prison in April 2008 for "violating the criminal code by committing blasphemous acts." Provincial leaders stated that charges against other members of Al-Qiyadah are forthcoming. In the past year, several other small, primarily "messianic" Muslim groups were labeled "deviant" and faced government harassment or communal violence including Dzikir Asmaul Husa, Dayak Segandhu Losarang Indramayu, Tarekat Naqsa-bandiyah, Islam Model Baru, Hidup di Balik Hidup, and Nural Yaqin.

In the past, Indonesia's "deviancy laws" have primarily targeted small groups regarded as heterodox by Muslim religious leaders. However, in April 2007, police in Malang, East Java arrested eight Protestants for disseminating a "prayer" video that allegedly instructs individuals to put the Koran on the ground and pray for the conversion of Indonesia's Muslim political leaders. Later in the same month, an additional 33 people were detained under Article 156. In September 2007, a local court found all 41 guilty of "insulting religion" and sentenced each to five years in prison. An appeal of the convictions is pending in the East Java High Court. Prosecutors claim to be seeking at least 60 other individuals associated with the production and dissemination of the video.

Three Protestant women sentenced to three years in jail under the Child Protection Law for allegedly attempt-

ing to convert Muslim children at their daycare center and youth recreation programs were released on parole in June 2007. 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 members of local militant groups. The judge at the trial also admitted to being intimidated by extremist group members who attended the trial.

The Commission continues to monitor the implementation of sharia in Aceh. 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 Presidential Decree 11/2003, which allowed the province to establish and implement sharia law and establish sharia courts. Since the end of the civil war, sharia courts and their vice patrols, locally known as the *Wilayatul Hisbah*, have taken on a more prominent public position. For example, in 2007, 25 persons were caned for consuming alcohol, 59 people for gambling, and 32 people for being alone with persons of the opposite sex, comprising a total number that is slightly fewer than for the previous year. Public canings have sometimes 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* are controversial issues for the new Acehese government. Local non-governmental organizations (NGOs) in Aceh report that government oversight of *Wilayatul Hisbah* has improved recently, making the vice patrols less intrusive than in the past. In addition, the new Acehese government disbanded vice patrols in the city of Banda Aceh.

However, 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 the largest Muslim organizations together with religious minorities. However, some provinces and localities are enforcing Islamic law at the municipal and regional levels. Indonesian NGOs estimate that at least 66 *perda syaria*, or local sharia laws, have been promulgated and enforced in the past four 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. In Padang, West Sumatra, the local mayor instructed all Muslim women to wear a headscarf and in Bulukumba Regency, women can be denied government services if they are not wearing headscarves. 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. In this case, the laws apply to both 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.

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 Malukus, as well as others.

U.S. government assistance to Indonesia 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.

COMMISSION RECOMMENDATIONS

The Commission 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, Tanah Runtuh, and Laskar Merah Putih;
 - continue efforts to bring to justice those who participated in, or are responsible for, sectarian and ethnic violence in Central Sulawesi, the Maluku, and Papua, 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 protests, 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 all of the 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;
 - withdraw the draft joint decree put forward by the Ministry of Religious Affairs banning Ahmadiyah in Indonesia as a "deviant sect," protect Ahmadiyah religious practice from communal violence, and re-open Ahmadiyah religious venues closed in past communal violence;
 - 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 remove any restrictive barriers on building and refurbishing 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;
 - expanding 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;

- establishing programs and working 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.

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