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**United States Commission on International Religious Freedom**  
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Front Cover: KHUSHPUR, Pakistan, March 4, 2011 – Pakistanis carry the coffin of Shahbaz Bhatti, Pakistan's slain minister of minorities, who was assassinated March 2 by the Pakistani Taliban for campaigning against the country's blasphemy laws. Bhatti, 42, a close friend of USCIRF, warned in a Washington visit just one month before his death that he had received numerous death threats. More than 15,000 persons attended his funeral. (Photo by Aamir Qureshi/AFP/Getty Images)

Back Cover: JUBA, Sudan, January 9, 2011 – Southern Sudanese line up at dawn in the first hours of the week-long independence referendum to create the world's newest state. The referendum vote was the final milestone in the implementation of the 2005 Comprehensive Peace Agreement, which ended more than 20 years of north-south civil war in Sudan. (Photo by Roberto Schmidt/AFP/Getty Images)

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The 2011 Annual Report is dedicated to the memory of Shahbaz Bhatti, the Pakistani Federal Minister for Minorities Affairs. Shahbaz was a courageous advocate for the religious freedoms of all Pakistanis, and he was assassinated on March 2 by the Pakistani Taliban for those efforts.

## Indonesia

**FINDINGS:** Over the past decade, Indonesia has evolved into a stable democracy with stronger human rights protections than at any time in the nation's history. The government of President Susilo Bambang Yudhoyono has taken positive steps to address terrorism and past sectarian violence, end a civil war in Aceh, and curtail terrorist networks. However, religious tolerance has come under increasing strain in recent years. Religious minorities have experienced patterns of intimidation, discrimination, and societal violence often perpetuated by groups espousing intolerance and extremism under the banner of Islamic orthodoxy. The activities of extremist groups are sometimes tolerated by segments of the Indonesian government, including the police. In addition, despite legal protections for religious freedom, national laws and provincial decrees have been used to restrict rather than advance the freedom of religion and belief.

Based on these concerns, USCIRF continues to place Indonesia on its Watch List in 2011. Indonesia has been on the Commission's Watch List since 2002.

Indonesia's well-known tradition of religious tolerance and pluralism is being challenged by religious radicalism and extremist groups who have found converts in the country, leading to sectarian and societal violence, terrorism, and religious freedom violations. Indonesians rejected extremism at the polls, but it often goes unchallenged by many political, civic, and religious leaders. During the reporting period, nearly 40 places of worship belonging to religious minorities were closed, either forcibly by extremist groups or through the denial of building permits by government officials. Extremist groups also instigated violence against religious minorities, including an attack that led to the death of three Ahmadiyah adherents. New provincial bans on Ahmadiyah practice have been put in place in East and West Java and South Sumatra. Despite some strong public statements and arrests, the reactive approach taken by the Indonesian government has not been an effective deterrent to the violence perpetuated by non-state actors against religious minorities. Indonesian government officials also continue to employ the "blasphemy law" (Article 156(a)) to harass and detain individuals considered religiously "deviant" and continue to allow the enforcement of local laws restricting the rights of women and some non-Muslims, particularly in Aceh. In addition, USCIRF remains concerned about the situation in Papua, where long-standing political and economic grievances and human rights abuses have deepened sectarian tension.

**PRIORITY RECOMMENDATIONS:** The interests of the United States are advanced by a democratic and prosperous Indonesia committed to countering terrorism and promoting religious freedom and related human rights. A USCIRF delegation traveled to Indonesia in May 2010, and met with government officials, members of the Indonesian House of Representatives, civil society, and religious communities. USCIRF recommends that the Obama administration use the U.S.-Indonesia Comprehensive Partnership to create regular human rights dialogues and target economic assistance to support government offices and civil society organizations working to promote religious freedom, counter extremism, teach tolerance and human rights, pursue legal reform, and build interfaith alliances to deal with pressing social, political, and economic concerns. Additional recommendations for U.S. policy toward Indonesia can be found at the end of this chapter.

## Religious Freedom Conditions

### *USCIRF's 2010 Visit*

A USCIRF delegation visited Indonesia in May 2010, traveling to Jakarta, Yogyakarta, and the former conflict zone of Ambon. The delegation met with officials from the Yudhoyono administration, including individuals from the Foreign Ministry and the Ministries of Law and Human Rights and Religion. The delegation also met with justices from the Supreme and Constitutional Courts, senators and members of the House of Representatives, the Sultan of Yogyakarta, appointees to the National Human Rights and National Women's Commissions, and representatives of civil society and Indonesia's diverse religious communities.

The delegation discussed a wide-range of religious freedom issues while in Indonesia, including the rise of extremism, sectarian violence, the blasphemy law, protection of religious minorities, police impunity, the removal of the religious designation on national identity cards, and issues related to Aceh, Papua, and the former conflict zones of Central Sulawesi and the Maluku.

### *Indonesia's Tradition of Religious Tolerance and the Challenge of Extremism*

The majority of Indonesia's diverse religious communities operate openly and with few restrictions. Politicians, religious leaders, and civil society have vibrant public discussions about the role of religion in political life, and religious communities continue to play an important role in Indonesia culture and society. There are more Muslims in Indonesia than in any other single country, and Indonesian Islam is known for its accommodation of a variety of indigenous cultural and religious traditions. Over the past decade, there has been a revival of Islamic awareness and practice. 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 often played an important role in public life, and there are numerous religiously-based political parties, universities and schools, media, and other institutions.

The revival of Islamic devotion, coupled with Indonesia's new democratic openness, has strengthened Indonesia's mainstream Muslim institutions, but it also has nurtured a small number of groups espousing intolerance and extremism under the banner of Islamic orthodoxy. Over the past several years, the influence, visibility, and activities of extremist groups have led to sectarian tensions, religious freedom violations, and violence.

Although extremist groups and religiously-conservative Islamic political parties have failed to win popular support, hard-line activists and extremist organizations, such as the Islamic Defenders Front (FPI), wield considerable influence, particularly in some provincial governments and in parts of the Indonesian bureaucracy. They have successfully pressed their agenda, pressuring government officials, judges, and politicians through private lobbying, media, demonstrations, threats, and mob action. Such efforts resulted in the 2008 Joint Ministerial Decree on the Ahmadiyah, the Anti-Pornography Law, and the extensive use of the "blasphemy law" (Article 156(a)), as well as a continued use of local sharia-inspired laws in some provincial areas. Coalitions of moderate Muslims, Christians, Hindus, Buddhists, and other religious and civil society groups have opposed these measures, both politically and in the public square. Opponents of extremist groups, however, have become recent targets of intimidation and violence, including in March 2011 when "book bombs" were sent to police officials and moderate Muslim organizations who have opposed religious militancy, terrorism, and religious freedom violations.

Religious relations in Indonesia are increasingly strained. Anti-Christian and anti-Ahmadiyah sentiment is growing among hard-line Islamic groups, who view these groups' apparent growth as a threat to Islam.

The state occasionally intervenes in defining religious orthodoxy and deviancy, and has resisted calls to review provincial ordinances that discriminate against religious minorities. As a result, opinion polls in Indonesia demonstrate a marked decline in religious tolerance.

President Susilo Bambang Yudhoyono won major electoral victories in 2009. While his public statements have stressed that religious tolerance and pluralism are the cornerstones of Indonesian democracy, his administration has not taken active steps to improve religious relations and firmly protect constitutional guarantees of religious freedom. In fact, the President stated in February 2011 that he supported continuation of the 2008 decree restricting the rights of Ahmadiyah, and the Ministers of Law and Human Rights and Religious Affairs have actively supported new measures further restricting and banning Ahmadiyah religious activity in the provinces of East and West Java and South Sulawesi. Coordinating Minister for Political, Legal and Security Affairs Djoko Suyanto did say publicly that provincial bans were unconstitutional, but the national government has taken no action to invalidate the provincial bans against the Ahmadiyah community at this time.

Indonesian religious and civil society leaders also have criticized the Yudhoyono administration for being reactive to the violence and harassment perpetuated by extremist groups and for not vigorously enforcing the constitutional protections for the freedom of religion and belief. After violence targeting Christian and Ahmadiyah communities last year, President Yudhoyono and Coordinating Minister Djoko called for the arrest of perpetrators and the protection of religious minorities. Individuals who both instigated and carried out violence were arrested and convicted, but Indonesian non-governmental organizations (NGOs) continue to express concern that sentences handed down are not a sufficient deterrent and do not fit the crimes committed.

While Indonesia has demonstrated progress in advancing human rights overall, serious challenges remain. Religious freedom violations continue to be perpetuated by problematic laws that contradict Indonesia's constitutional protections and its international commitments, by extremist groups who use violence to intimidate religious minorities and human rights advocates, and by the passivity, and sometimes even complicity, of law enforcement and government officials to these groups' actions. These problems are a threat to Indonesia's tradition of religious tolerance and pluralism and undermine the trust of Indonesia's citizens in the institutions that are the foundation of a flourishing democracy.

#### *Addressing Past Sectarian Violence*

USCIRF first placed Indonesia on its Watch List in 2002, after sectarian violence in Central Sulawesi and the Maluku claimed thousands of lives and displaced tens of thousands of others. The USCIRF delegation visited the Maluku in May 2010. USCIRF remains concerned about the potential for renewed sectarian tensions in these regions, but notes that religiously-motivated violence has declined sharply in recent years and police have arrested or killed – and local courts have sentenced or executed – dozens of individuals, Muslims and Christians, responsible for past acts of violence.

The Indonesian government reportedly has committed funds for local programs in conflict mediation and interfaith economic development. Local governments have projects to rebuild churches, mosques, and homes destroyed in past violence. Local civic and religious leaders and government officials have worked to promote reconciliation and diffuse tensions in former conflict areas, creating “early warning” and mediation systems to deal with tensions. However, residential segregation between Muslims and Christians, as well as between different ethnicities, has grown in the past 10 years. USCIRF's interlocutors viewed this growing segregation and decreasing levels of communication between Christian and Muslim communities at local levels as increasing the potential for future conflict.

Police and prosecutors in former conflict areas continue to arrest and sentence individuals accused of carrying out sectarian violence. On January 27, 2010, police arrested Eko Budi Wardoyo in Sidoarjo (East Java), for alleged involvement in the 2005 bombing of the Central Market in Poso that killed 22 persons and injured more than 90 others in religiously-tinged violence. Wardoyo also was accused of the murder of Christian Pastor Susianti Tinulele in 2004. A decision in that case is still pending. On May 20, 2010, the Palu State Court prosecutor sought a 17-year prison sentence for Arifuddin Lako following his conviction for the murder of Ferry Silalahi, the prosecutor in numerous terrorism and corruption cases in Poso in 2004 – including one case involving the terrorist organization Jemaah Islamiyah. In December 2009, Indonesian courts sentenced 17 individuals to 14 years' imprisonment for taking part in sectarian violence in Ambon a decade ago.

Two individuals were sentenced in February 2009 for their part in instigating riots that destroyed parts of a Christian village in the Malukus in 2008. One of the individuals tried was a schoolteacher, Wilhelmina Holle, who reportedly denigrated Islam in her classrooms. Holle and the other suspect, Asmara Wasahua, coordinator of the Central Maluku Islamic Communication Forum, were charged with provoking the attacks and circulating inflammatory pamphlets. On April 28, 2009, Masohi State Court sentenced Holle to one year in prison under the country's blasphemy law. The Masohi State Court also sentenced Wasahua to one year in prison for inciting the riot. Holle was released on December 10, 2009.

Many grievances remain, and many persons remain displaced, from the sectarian conflict that occurred previously in Central Sulawesi and the Malukus. While local governmental officials and religious leaders are committed to decreasing tensions, sectarian flash-points continue between sometimes segregated communities. In addition, though crippled by recent government action, terrorist organizations still operate in the region, recruiting, and setting up training camps in remote areas. The arrest of suspected terrorist leader Abu Dujana confirmed that the goal of terrorist networks was to stoke sectarian tensions through bombings and assassinations of religious leaders, particularly in Papua, Central Sulawesi, and Ambon. These continue to be areas of concern moving forward, despite the apparent commitment by local religious and political leaders to quickly address sectarian tensions and head off future sectarian violence.

#### *Success of Counter-Terrorism Campaign*

The Indonesian government continues to make notable progress in capturing, apprehending, prosecuting and jailing persons accused of specific terrorist activities, including many individuals on the U.S. most wanted list. In general, terrorists have no significant support in Indonesia, and every attack has generated public outrage. This success, however, has come at the cost of a number of serious human rights violations committed by police, particularly the elite counter-terrorism unit Detachment 88.

The Indonesian government has been actively hunting the top commanders of the terrorist group Jemaah Islamiyah (JI). In the last year, Indonesian police disrupted a terrorist training camp in Aceh, arresting more than 50 members and killing eight, including Dulmatin, a key JI commander who allegedly carried out the 2002 Bali nightclub bombing and was said to be responsible for a string of church bombings in the Philippines in 2000. In August 2010, police again arrested Abu Bakar Ba'asyir, Indonesia's best-known radical cleric, for his support of the Aceh training camp. Ba'asyir is accused of funding the camp and heading an alliance called "al-Qaeda in Aceh."

These, and other efforts, have been criticized as unnecessarily abusive by Indonesian human rights groups. In particular, Detachment 88 has been accused of broadly interpreting Indonesia's anti-terrorism laws and holding suspects for up to seven days without publicly acknowledging charges, using mistreatment and intimidation to gain confessions from alleged terrorist suspects in the Bali and Central Sulawesi bombings, and using lethal force arbitrarily in confrontations with suspects.

According to the Indonesian human rights organization KONTRAS, between 2000-2010, 953 people were brought before a court on terrorism charges related to the 2002 and 2005 Bali bombings, the 2009 JW Marriott and Ritz Carlton bombings, 2005-2007 anti-Christian attacks in Poso, and the creation of terrorist training centers in Aceh. Eighty-seven people were killed during police operations in that time. One JI suspect in the Bali bombing died in police custody in 2003; the case has not been independently investigated.

In 2010, the Yudhoyono administration created the inter-departmental National Antiterrorism Agency (BNPT). The BNPT was created to be an oversight agency coordinating the efforts of police, the military, the Religious Affairs Ministry, academics, and civil society. The BNPT was also chartered to coordinate prevention, eradication, and counter-radicalism programs as well. The BNPT reportedly would have more authority than Detachment 88 in setting counter-terrorism policy in Indonesia. Human rights organizations have voiced concerns that the BNPT wields too much power and about the greater participation of the military in the antiterrorism efforts, though the police will maintain their leading role in antiterrorism activities.

Indonesia has not become a reliable front for terrorist activity and recruitment. According to the International Crisis Group, police activity and lack of public support have severely compromised Indonesian terrorist organizations, but there is still a danger that they can mobilize using as a recruiting tool fear of “Christianization” – a term that generally refers both to Christian efforts to convert Muslims and the alleged growing influence of Christianity in Muslim-majority Indonesia. At the September 2010 trial of those arrested for forming al-Qaeda in Aceh, fear of “Christianization” was a key concern of those who joined the organization. In Palembang, South Sumatra in 2008, a JI recruiter persuaded a local Muslim anti-apostasy organization that murder and suicide bombings were a more effective way to stop Christian proselytization than non-violent protests and public pressure.

### *Extremist Groups and Societal Violence*

The number and influence of groups pressing political and religious agendas under the banner of Islamic orthodoxy has grown in recent years. Religiously-based organizations and political parties have long been a feature of Indonesian society, but the proliferation of extremist groups is a recent phenomenon, coinciding with the growth of democratic openness in Indonesia and the spread of the most conservative forms of Islam throughout the Muslim world.

Most of Indonesia’s sectarian tensions and societal violence have been instigated by groups such as the FPI, the Indonesian Council of Martyrs (MMI), the Alliances for Anti-Apostates (AGAP), the Islamic Umat Forum (FUI), among others. These groups have used pressure, intimidation, and violence against those whose views or actions they find unacceptable. They have intimidated judges and local officials; vandalized and destroyed minority religious sites, including Christian churches, Hindu temples, and Ahmadiyah and Shi’a mosques; threatened moderate Muslims or those considered to have “deviant” theological views; and forced the closure of some businesses during Ramadan. Though these groups are a tiny minority of Indonesia’s diverse Muslim community, they remain an active and organized religious force and a political challenge to Indonesia’s image as a democracy committed to religious tolerance and pluralism.

The Indonesian government does not officially condone or encourage societal violence by extremist groups and has sometimes spoken out strongly against it. However, the government has not been as consistently vigilant about hindering the activities of extremist groups as they have about terrorist groups. Over the past several years, police have arrested individuals in high-profile incidents, including after violence at a church in the Jakarta suburb of Bekasi in September 2010 and after sectarian violence in

Banten and West Java in February 2011. Most of those arrested are currently awaiting trial. But these sporadic arrests have not effectively deterred these groups from using violence to advance their own religious positions or to target religious minorities.

Islamic extremist groups continue to attack Ahmadiyah sites, Christian churches, Shi'a mosques, Hindu temples, bars, and nightclubs with relative impunity. Moreover, their actions are to some degree legitimized by Indonesia's blasphemy law and government-funded institutions like the Indonesian Ulemas Council (MUI) and the Coordinating Board for Monitoring Mystical Beliefs in Society (Bakor Pacem). Both the MUI and Bakor Pacem have called for a ban on Ahmadiyah religious activities and restrictions on, among other things, interfaith marriage and worship, religious pluralism, and yoga. Local MUI chapters, often in the name of religious harmony, pressure provincial officials to close religious minorities' places of worship or take action against groups viewed as having "deviant" religious views. In addition, the police have frequently failed to protect religious minorities and sometimes have stood by while such attacks take place, or even participate in them, according to human rights and religious freedom studies by the Setara Institute for Democracy and Peace and the human rights organizations Imparsial and KONTRAS.

#### *Restrictions and Societal Violence Targeting the Ahmadiyah*

Extremist groups have been particularly active in seeking a ban on all Ahmadiyah activities in Indonesia. There are an estimated 400,000 Ahmadiyah living in the country. Civil society groups have documented at least 342 attacks on Ahmadiyah individuals and sites between 2005 and 2010, with the largest share occurring in 2005 and 2007. There has been a new surge in attacks on the Ahmadiyah community in Indonesia during the reporting period, as well as renewed public calls for their outright banning. Three Ahmadiyah followers were killed in mob violence in Banten province in February 2011.

Violence and legal restrictions targeting the Ahmadiyah community started after a July 2005 MUI *fatwa* that condemned them as a heretical sect, a decree that the Indonesian National Commission of the Human Rights (Komnas-HAM) has called unconstitutional. Under intense pressure from extremist groups and some mainstream religious leaders, including the staging of large protests and rallies to support a ban, the Ministry of Religious Affairs and the Home Ministry issued a Joint Ministerial Letter on the Restriction of Ahmadiyah in June 2008. While not an outright ban, the decree "froze" Ahmadiyah activities to private worship and prohibited Ahmadiyahs from proselytizing, although it also outlawed vigilantism against them.

Since the 2008 decree, 49 Ahmadiyah mosques have been vandalized and 34 mosques and religious meeting points forcibly closed. Ahmadiyah leaders report that they are allowed to gather for worship in most parts of the country, but that in some parts of West Java, South Sulawesi, East Java, and Lombok provinces, extremist groups interpret any visible Ahmadiyah activity as "proselytizing" and pressure local officials to close mosques or places of worship.

This reporting period has seen an increase in anti-Ahmadiyah violence. In June 2010, militant groups sealed off eight Ahmadiyah mosques in Cianjur, West Java, including the al-Ghofur Mosque, where a mob of 500 people tried to tear down the building and later clashed with police. Also in June 2010, a local FPI contingent shut down the Ahmadiyah headquarters in Makassar, South Sulawesi. In late July 2010, police allowed a mob to forcibly close an Ahmadiyah mosque in Manis Lor village, and in October, mobs attacked the Ahmadiyah community in Ciampa, south of Jakarta, burning their mosque and several houses.

On February 6, 2011, approximately 500 people attacked the house of a local Ahmadiyah leader in Cikeusik, Pandeglang, Banten province and murdered three Ahmadiyah followers. The attack was

reportedly instigated and coordinated by a group called the Cikeusik Muslim Movement (CMM). Police assigned to protect the Ahmadiyah did little to stop the violence, though the CMM had warned of an attack if the police did not shutter the Ahmadiyah mosque. President Yudhoyono ordered an investigation into the attack and several individuals were arrested; their trial is pending at this time. The National Police Chief also removed the Banten police chief commissioner in charge of the Cikeusik subdistrict and announced the creation of a new “anti-anarchy” unit to protect religious minorities and stop sectarian violence.

East Java, West Java, and South Sulawesi have issued bans on Ahmadiyah practice, and the Ministers of Religious Affairs and Law and Human Rights have endorsed these local measures. However, the governor of Jakarta refused to issue a similar ban, saying it would be unconstitutional. There are also reports, from evidence gathered by several Indonesian human right organizations, that government officials, mainstream Muslim religious leaders, and members of the Indonesian military (TNI) have been involved in efforts to “return” the Ahmadiyah to “the right path.” Ahmadiyah members reported in recent months that they were forced to renounce their faith tradition, sometimes in exchange for the cancellation of economic debt.

In West Java, the decree banning the Ahmadiyah has provoked societal violence. On March 29, 2011, a mob attacked and vandalized the house of an Ahmadiyah in the Sukagalih area of Tasikmalaya, West Java. On March 14, mobs attacked the villages of Cibuntu and Ciareuteun Udik in Bogor, damaging at least eight homes. On March 13, electronic equipment and books were burned in Cipeuyeum, Cianjur. And on March 10, 2011, locals and security officers sealed off a boarding school in Sukabumi.

An estimated 150 Ahmadiyah continue to live in camps as internally displaced persons (IDPs) in Mataram, Lombok after a mob attacked and drove them from their residences in 2005. In April 2009, the local government requested that the IDPs cancel plans to return to their homes in Gegerungan village due to continued security concerns and negotiations over compensation. The government no longer subsidizes rice, electricity, and water to the IDP camps. The government has offered the IDPs the option of relocating together to other areas of Lombok or to disperse to government owned property. The Ahmadiyah community has found both options unacceptable and has reportedly sought asylum in a third country, reportedly Australia, citing religious persecution.

#### *Detentions for Religious “Deviancy”*

According to the Indonesian Institute on Democracy and Peace (SETARA) and the Wahid Institute, two Indonesian think tanks tracking human rights conditions in the country, the use of Indonesia’s “deviancy” law has expanded in the past decade. Since 2003, over 150 individuals have been detained under Article 156(a) 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. Most such cases have been against allegedly heterodox Muslims, although a few have been against Christians. In the Maluku, the Christian teacher whose comment about Islam reportedly sparked sectarian violence in the city of Masohi in 2009 will reportedly be tried under Article 156(a).

In April 2010, the Constitutional Court upheld Indonesia’s 1965 blasphemy law, which outlaws distorting any of the six official religions of Indonesia. The court stated that the government had power to impose limitations on religious freedoms based upon security considerations. The law’s constitutionality had been challenged by the late former President Abdurrahim Wahid and an interfaith coalition of civil society groups. The Minister of Religious Affairs and the Minister of Home Affairs opposed the challenge. The Minister of Religious Affairs claimed that overturning the blasphemy statute would create “unlimited religious freedom” and the proliferation of sects, which would lead to social upheaval and potential violence against religious minorities.

In recent years, police, provincial officials, and local MUI have taken actions to break up allegedly deviant sects associated with groups such as al-Qiyadah al-Islamiyah, Lia Eden, and Noto Ati, among others. According to the Wahid Institute, since 2005, many small, primarily “messianic” Muslim groups were labeled “deviant” by local religious leaders and faced harassment or societal violence, including such groups as Dzikir Asmaul Husa, Dayak Segandhu Losarang Indramayu, Islam Model Baru, Tarekat Naqsabandiyah, and Hidup di Balik Hidup.

The al-Qiyadah al-Islamiyah sect has faced the most intense pressure. The group has approximately 40,000 followers and its leaders claim to be prophets. The sect’s leader, Ahmad Moshaddeq, remains in prison, serving a four-year sentence imposed in April 2008 for “violating the criminal code by committing blasphemous acts.” In May 2008, al-Qiyadah al-Islamiyah members Dedi Priadi and Gerry Lufthi Yudistira were sentenced in Padang district court to three years in prison under Article 156(a).

In June 2009, Lia Eden, leader of the Jamaah Alamulla Group, was again found guilty of “blasphemy and inciting hatred among religious adherents,” and Wahyu Wisbisono, a Jamaah Alamulla member, received a two-year sentence for publicizing Eden’s teachings. Eden had previously served a two-and-a-half year sentence for proselytizing and delivering her messages to government institutions in 2006. In 2007, Lia Eden’s son was sentenced to three years in prison for claiming to be the reincarnation of the Prophet Muhammad.

In May 2009, Agus Imam Solhin was indicted under Article 156 in a South Jakarta Court. Solhin, leader of a sect called Satria Piningit Weteng Buwono, claimed to be a prophet who received spiritual guidance from the country’s first president, Sukarno. He reportedly was accused of conducting ritual orgies and banning his followers from observing Muslim prayers.

In September 2009, police arrested 24 members of the Daifillah sect under Article 156. This sect is led by Sensen Komara, who claims to be a prophet and has instructed his followers to change the direction of their daily prayers. Reportedly, prior to the arrests, local mobs had attacked the home where the Daifillah sect met.

The East Java MUI issued an edict on October 28, 2009, accusing the Santriloka sect in Mojokerto, East Java of heresy. Santriloka's leader, Ahmad Nafan, stated that Muslims did not need to fast during Ramadan, de-emphasized the need for prayer, and taught that the Koran was originally written in Sanskrit and old Javanese. On October 30 locals from Mojokerto gathered in front of Ahmad Nafan's house and demanded that he stop his activities. The police closed Santriloka's activity center and took Nafan into custody. On November 2, 2009, Nafan apologized for his activities and said that the Santriloka would return to Islam. In spite of his statement, on November 5, 2009, police charged Nafan with blasphemy. No further information on the case was available at the end of the reporting period.

Indonesia’s “deviancy laws” are not only used against allegedly heterodox Muslim groups. In November 2010, American expatriate Gregory Luke was given a five months’ sentence for blasphemy after he reportedly asked a local mosque in Lombok province to turn down its loudspeakers. Luke allegedly turned off the speakers himself and made a disparaging remark about the “manners” of Muslims. The latter allegation is disputed because of Luke’s poor grasp of Indonesian. A mob burned down Luke’s house after the confrontation. On February 8, 2011, a court in Temanggung, West Java convicted a Christian man, Antonius Banwengan, to five years for distributing books and leaflets that made fun of some of Islam’s most sacred symbols. Though he was given the maximum sentence of five years under Article 156, a mob rioted, targeting churches and church property saying the verdict was too lenient. In June 2009, police in East Nusa Tenggara province arrested Nimbrot Lasbuan, leader of the Sion City of Allah sect, and 12 of his followers under Article 156(a). The sect encouraged members to read only the

Book of Jeremiah, banned them from attending Sunday services or partaking in sacraments, and required women followers to remove underwear before prayer. Leaders of the local Timor Evangelical Church agreed with provincial officials, saying the sect was “illegal.” In addition, in the Maluku, the Christian teacher whose comment about Islam reportedly sparked sectarian violence in city of Masohi will reportedly be tried under Article 156(a).

### *Forcible Closure of Religious Venues*

During the reporting period, extremist groups reportedly forcibly closed as many as 40 religious venues and provincial officials have blocked and delayed building permits. The most forced closures of religious venues in the past year were in West Java, though instances were also reported in the provinces of East Java, West Lombok, Madura, and Riau. The most frequent targets were Protestant and Catholic congregations, which have spread, along with better economic and housing options, to new areas of Indonesia, and Ahmadiyah mosques and other facilities. In some areas, extremist groups interpret the existence of new Protestant or Catholic religious venues as evidence of proselytizing, an activity banned by Indonesian law. Hindu temples and Shi’a mosques have also been targeted in past years.

Police and local officials have sometimes intervened to prevent property destruction and disperse crowds and arrested individuals responsible for vandalizing or destroying property and instigating violence. But mob violence, often instigated by extremist groups, remains too frequent, and punishments of perpetrators too infrequent, to act as a deterrent. Local government officials also have sought to mediate between militant groups and religious minorities in some cases, but sometimes acquiesced to pressure from militants and revoked permits for longstanding places of worship or allowed the destruction or closure of religious venues operating without permits. Officials from the Ministry of Religious Affairs acted in some cases to prevent forced closures of Christian churches, but most often intervene after violence and vandalism occurred.

Local officials deny Christian churches that meet in private homes or storefronts permission to build permanent structures. In many cases, the congregations’ visibility raises community opposition, particularly if their membership grows. In May 2010, the USCIRF delegation visited several Protestant churches in North Bekasi, Jabotabek region, East Jakarta that had faced vandalism and protests by the FPI and another group, Musholla (Cooperating Bureau of Mosques and Praying Rooms), because they meet in private homes or on property where they had been denied permission to build. Although police protect the worship activities of these meeting points, there are protests almost every weekend, and two church leaders were stabbed in September 2010. Citing the coordinated opposition by the FPI and others, local officials have refused to grant these churches permission to build permanent structures, despite their having met the criteria established in the 2006 decree. A similar situation exists in South Rawa Badak, Koja region, North Jakarta.

Nevertheless, provincial officials are not uniformly opposed to issuing building permits to religious minorities who meet legal requirements, and court decisions have overturned the actions of local authorities. For example, despite two years of pressure to close the Barnabas Church in Tangerrang, West Java, authorities issued the church a building permit in 2009. Construction of the new facility is nearly complete.

In January 2011, the Indonesian Supreme Court overturned Bogor city officials’ revocation of a building permit for the Yasmin Indonesian Christian Church (GKI Yasmin). The Yasmin church was meeting weekly at the site of their proposed church and faced constant FPI protests. However, despite the court decision and the interventions of the Minister of Religious Affairs, the mayor of Bogor continues to refuse to issue the church a permit. In March 2011, the mayor publicly called for “action against the church congregation if it insisted on the decision issued by the Supreme Court.”

The sizeable number of closed religious venues remains troubling. Specific incidents in recent years include the following: In December 2009, a mob attacked and damaged the Saint Albert's Church in Bekasi regency, South Jakarta. Several buildings used to supervise construction of the new church were set on fire. Also in Bekasi in February 2010, 200 demonstrators from as many as 16 extremist groups, including FPI, gathered to pressure local officials to stop the activities of the 600 member Galilea Protestant Church. On February, 28, 2010 a mob gathered to protest the Batak Christian Protestant Church, which met in local homes because city authorities denied them permission to build a permanent structure. Local officials in Bekasi reportedly stated that "the congregation has the right to practice their religion... [but] they disrupt the neighborhood." Church leaders were asked to hold services in a more "commercial area" or in an areas where there is a "larger number of Christians."

In April 2010, 200 people gathered and disrupted Good Friday activities of the John the Baptist Catholic Church in Bogor, West Java. According to press reports, members of the Parung Ulema Forum protested the existence of the congregation, which has been meeting in tents on vacant land since 1990. Local authorities have not given the congregation permission to build a permanent structure. Similar protests occurred at the site during Easter 2008 and Christmas 2009.

Also in April 2010, a mob burned a building under construction in Cibereum, Cisarua, Bogor, West Java, believing it to be a church; the building belonged to Penabur, a Christian educational organization. That same month, unknown assailants burned the Java Christian Church in Sukorejo, Kendal, Central Java.

In April 2010, authorities closed a Catholic pilgrimage location in Jati Mulya, Rangkas Bitung, Lebak, Banten because of public protest by a local extremist organization. The site has not been re-opened. Santa Maria Immaculata Catholic Church in Kali Deras, Jakarta, was under construction, with a permit, when demonstrators closed the access road to the site of the church on March 12, 2010. Construction remained halted at the end of the reporting period. While there has been a police investigation, there have been no further developments in this case.

A group of 200 people attacked Kairos Indonesian Baptist Church (GBI Kairos) in Jakarta during Sunday services on February 14, 2010. No injuries were reported.

Local residents and members of radical groups burned both the Batak Protestant Church building and pastor's residence in Sibuhuan, North Sumatra, on January 22, 2010. Local religious leaders condemned the violence. On the same day, the "Pentecostal Church" (*Gereja Pantekosta di Indonesia*) of Sibuhun, Tapanuli Selatan, North Sumatra Province was also burnt down.

In March 2010, the Indonesian Christian Church (*Gereja Kristen Indonesia*) in Taman Yasmin, Bogor, West Java province was attacked by a mob and later closed down by authorities citing opposition from the local community.

In May 2010, members of radical groups attacked a Catholic secondary school, Saint Bellarminus in Jatibening, Bekasi, purportedly in reaction to a student's anti-Islamic Internet posting. The 16-year-old student faces blasphemy charges, with a maximum penalty of two years of imprisonment.

In July 2010, local authorities destroyed a Pentecostal church in Jalan Raya Naragong, Bogor, West Java. In the same month, local authorities closed a Batak Protestant Church in Binanga, Padang Lawas, North Sumatra province because of protests by local extremist organizations.

Also in July 2010, local authorities in Jakarta ordered a Catholic retreat center, "Wisma Semadi Klender" to discontinue its Sunday meetings after protests by extremist groups. However, after religious leaders

met with local officials and the police, the center was allowed to conduct services again the next month. It remains open at this time.

The students of the Arastamar Evangelical School of Theology, known as Setia College, remain without permanent property and continue to face intimidation and extortion threats by the FPI. In November 2010, Setia College reached a settlement with the Jakarta governor's office regarding a new campus, but building has not started.

When religious venues are forcibly closed, it is often because they do not have building permits or because extremist groups claim they do not have "community support," the vaguely worded criteria of Joint Ministerial Decree 1/2006, which governs the building of new religious venues. Decree 1/2006 requires a religious group with a membership of more 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.

The Ministry of Religion has made some efforts to establish and train provincial FKUB panels to mediate problems with local communities. The late, former President Abdurrahman Wahid has commended the "sincere efforts" of some FKUB panels to promote religious tolerance, but added that without sufficient "control, evaluation, monitoring...and sanctions" the panels can be "used to promote the interests of the majority religion." In many provinces, the local FKUB's are dominated by the majority religious group of the region, and they oppose or stall issuing licenses to religious minorities. In several cases in West Java, Protestant and Catholic churches in the cities of Bandung, Cianjur, and Bogor faced difficulties obtaining licenses, frequently due to opposition by the FKUB.

#### *Aceh and Provincial Sharia Laws*

In 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 led to local elections and formally instituted some regional autonomy for a region hard hit by the tsunami and decades of civil conflict. The Aceh peace agreement did not overturn Presidential Decree 11/2003, which allowed the province to establish and implement sharia law and establish sharia courts. Aceh remained the only province for which the central government specifically authorized sharia law.

Since 2003, the provincial government has passed sharia laws governing relations between unmarried and unchaperoned men and women (seclusion), banning alcohol consumption and gambling, and prohibiting "un-Islamic" dress. Sharia courts have also created vice patrols, locally known as *Wilayatul Hisbah* (WH), which have taken on a prominent public profile, enforcing dress codes and banning alcohol consumption, gambling, and unchaperoned male-female liaisons. Punishments may include public canings and fines. Christians and other non-Muslims are specifically exempted. The WH presence and activities were particularly prevalent in the years following the 2004 tsunami tragedy in Aceh.

During April 2009 provincial elections, the political parties that won an estimated 80 percent of the vote promised to de-emphasize the continuation of sharia in Aceh and instead to implement fully the Helsinki Peace Accords granting Aceh political autonomy. According to local NGOs, government oversight of WH forces has improved recently, making them somewhat less intrusive than in the past. The new provincial government has sought to disband WH patrols in the city of Banda Aceh itself and civil courts gradually are taking up caseloads previously heard in sharia courts. The incidents of public canings continue to decrease.

The enforcement of sharia, however, remains a significant problem for the new provincial government. In September 2009, the outgoing provincial assembly passed a new law that allows convicted adulterers to be stoned to death and imposes flogging for “inappropriate” sexual conduct and gambling. Aceh’s new governor, Irwandi Yusuf, refused to sign the law, claiming that it could not be enforced without his signature. At this time, the law has not been enforced, but has not been explicitly overturned.

WH police continue to be active, monitoring compliance with sharia regulations. NGOs in Aceh report that the WH police are largely hated for heavy-handed tactics that have on occasion turned mobs of angry residents against them. In recent years, their budgets have declined in some parts of Aceh. An exception to this trend seems to be in Western Aceh, where local WH patrols were expanded in response to a 2009 district regulation against women wearing tight pants. The State Department reported in 2010 that there were no new reports of roadblocks being set up to enforce Islamic dress, but reports by both the Indonesian Women’s Commission (Komnas Perempuan) and Human Rights Watch (HRW) contradict this. A 2010 HRW report documents numerous cases of enforcement of dress and seclusion laws, both by WH officials and by village and community groups.

According to the HRW report, 800 people were detained in 2009 under the seclusion law and another 2,600 were stopped under a law prohibiting un-Islamic dress. These two laws are often applied selectively and abusively, severely restricting the rights of women in particular, and violate Indonesia’s constitutional protections and international human rights law, including the freedoms of association, assembly, and religion. Aceh’s governor has stated publicly that the seclusion law prohibits only adultery, but it has been enforced much more broadly. In some parts of Aceh, WH officers prohibit any private meetings between unmarried members of the opposite sex. Women are sometimes forced to submit to virginity exams, and in some cases, the suspects are not released from custody until they agree to marry or pay large fines. According to the HRW report, vigilante groups and family members sometimes enforce the seclusion law, including through assault and other physical abuse, and often are not held accountable for these offenses.

According to the HRW report, women are the majority of those stopped, reprimanded and fined for wearing un-Islamic attire, in violation of their rights to personal autonomy, expression, and freedom of thought, conscience, and religion or belief. Public roadblocks have been set up to enforce compliance with the dress code, particularly near beaches. WH police issue lectures, take personal details, and threaten detention or caning if dress code violations continue. In some cases, detentions have led to mistreatment or abuse in custody. In several recent cases, WH police have been held accountable for abuses of women during detention. In January 2010, police arrested and sentenced two members of a local WH patrol for raping a 20-year-old student. The head of the local WH force was also replaced.

The implementation of sharia in Aceh has influenced local initiatives elsewhere in Indonesia. Efforts to implement sharia provisions nationally have been defeated consistently 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 syariah*, or local sharia laws, have been promulgated and enforced over the past eight years, almost all promulgated between 2001-2006.

According to the International Center for Islam and Pluralism, an Indonesian think tank, half of Indonesia’s 32 provinces have enacted some sort of sharia-inspired laws. In South Sulawesi, Madura, and West Sumatra, local authorities issued laws enforcing Islamic dress, prohibiting alcohol, and imposing public 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 reportedly is being required for promotion. In Padang, West Sumatra, the local mayor instructed all schoolgirls, regardless of their religion, to wear

headscarves. In Bulukumba regency, any woman not wearing a headscarf can be denied government services. 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 both Muslims and non-Muslims from public displays of affection, alcohol consumption, and prostitution. The anti-prostitution ban is being challenged in Indonesian courts because it defines a prostitute as anyone who draws attention to himself or herself by attitude, behavior, or dress or any woman found “loitering” alone on the street after 10 p.m. Over several years, according to the State Department, 31 women were arrested as prostitutes, including a married mother waiting alone at a bus stop during the early evening.

Following the 2009 elections, 56 Indonesian parliamentarians issued a petition calling for a review of local sharia-inspired laws to determine if they violate constitutional protections and national laws. The head of Indonesia’s Constitutional Court, Dr. Mohammad Mahfud, told the *Jakarta Post* that, in his view, all *perda syaria* laws should be overturned because they promote religious intolerance, particularly against minorities, are unconstitutional, and “threaten...national integrity.” At this time, no review of provincial decrees has been completed.

### *Other Religious Freedom Concerns*

During its May 2010 visit to Indonesia, NGOs told the USCIRF delegation about the religious identification requirement on the national identity card (KTP). Many NGOs and religious groups have urged the Indonesian government to delete the religion category from the KTPs. The Indonesian government recognizes officially six religions (Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism). Members of other religions are sometimes unable to obtain KTPs unless they misidentify their religion. According to the State Department, there continue to be sporadic reports of local officials rejecting KTP applications from members of unrecognized religious groups. In some cases, local officials list “Islam” on the KTP cards of animists. Baha’is and Sikhs have sometimes found it difficult to register marriages or births, and without these registrations may face future difficulties with school enrollments, scholarships, or government jobs.

### **U.S. Policy**

President Barack Obama traveled to Indonesia last year to formalize the U.S.-Indonesia Comprehensive Partnership, expanding bilateral cooperation in a number of areas, including education, health, trade and investment, food security, and regional security concerns, including anti-terrorism and anti-narcotics efforts. The President lauded Indonesia’s tradition of tolerance in public statements, without mentioning the growth of extremism and intolerance that has occurred in recent years or the importance of religious freedom. The Obama administration has stated recently that it looks forward to working with Indonesia in its role as Association of Southeast Asian Nations (ASEAN) chair and values its emerging, positive voice on global topics, such as democracy and climate change. President Obama will return to Indonesia in June 2011 to attend the East Asia Summit.

U.S. assistance to Indonesia has supported programs in conflict resolution, multi-religious dialogue and tolerance, pluralism, public diplomacy, and education that are in line with recommendations made by USCIRF in previous years. Such programs included opportunities for Indonesian and American experts to collaborate and build curriculum to promote interfaith dialogue, religious pluralism, and legal reform. In October 2008, the United States signed a Memorandum of Understanding (MOU) with the Indonesian National Commission on Human Rights (Komnas-HAM) to provide training and technical assistance to government officials in an effort to improve their understanding and implementation of laws protecting religious freedom. Since 2002, the U.S. has also provided an estimated \$250 million to Indonesia counter-terrorism efforts. Along with the European Union, United Kingdom, Germany, France, Australia, Singapore, and Japan, the United States has provided police training, equipment, buildings, and capacity.

In USCIRF's view, U.S. assistance is critical to bolster Indonesia's continued democratic transition and its fight against terrorism. But it is also important for the United States to assist Indonesia's fight against sectarian violence and religious intolerance. President Yudhoyono has said that tolerance and pluralism are the cornerstones of Indonesian democracy, and the preservation of those values is important to the success of U.S. interests. In addition, U.S. technical support and economic assistance should be targeted to assist the Indonesian government close the gap between its public commitments to human rights and their implementation. Specifically, U.S. assistance should be focused toward Indonesian government offices or officials, religious groups and leaders, and civil society organizations working to promote religious freedom, counter extremism, teach the values of tolerance and human rights, pursue legal reform and police training, and build interfaith alliances to deal with pressing social, political, and economic concerns.

## **Recommendations**

A vibrant U.S.-Indonesian partnership is an important model, promoting Indonesian stability, addressing both domestic and regional human rights concerns and the threat of terrorism, and expanding universal rights and freedoms in the Muslim world. To these ends, the United States should establish a human rights dialogue as part of the U.S.-Indonesia Comprehensive Partnership, as well as support government officials, religious groups, and civil society leaders promoting religious freedom and human rights, countering extremism, teaching tolerance, and building interfaith alliances.

### **I. Establishing a Human Rights Dialogue**

As part of the new U.S.-Indonesia Comprehensive Partnership, the U.S. government should create a human rights dialogue with the government of Indonesia and discuss issues regarding the protection and promotion of religious freedom and related human rights, including:

- urging the Indonesian government to overturn the Joint Ministerial Decree on the Ahmadiyah community and any provincial bans on Ahmadiyah religious practice, fully protect the rights of religious minority communities under the Indonesian constitution and international law, and arrest or hold accountable any individual who organizes or carries out societal violence targeting the Ahmadiyah or other religious minorities;
- urging the Indonesian government to take a more pro-active role in improving religious tolerance, including by working with the National Broadcasting Commission to create new media focusing on the importance of religious freedom and developing curricula to teach respect for the adherents of all religions in elementary and secondary schools;
- urging the Indonesian government to set national policies regarding the protection of religious freedom and religious minorities, including narrow guidelines of what constitutes a "disturbance of public order," and "incitement" and implement these guidelines throughout the government, including the national police and various ministries that deal with human rights, law, and religion;
- urging the Indonesian government to ensure that no government funding is given to organizations that preach hatred, discrimination or intolerance or have a record of violence against religious minorities;
- urging the government of Indonesia to review all local laws that aim to promote morality, including in Aceh, and invalidate or petition the Supreme Court to review those that conflict with the constitution and Indonesia's international human rights commitments;

- urging the Indonesian government to amend or repeal Article 156(a) of the Penal Code, release anyone sentenced for “deviancy,” “denigrating religion,” or “blasphemy,” and provide clear guidelines to local governments on ending prosecutions of those detained under Article 156(a) of the Penal Code;
- urging the Indonesian government to ensure that the implementation of sharia law in Aceh respects national law and international human rights standards, including by amending or repealing provincial laws that do not comply with these standards and supporting efforts to enhance the capacity and human rights awareness of legislators and civil servants in Aceh and other provincial areas within the Ministry of Home Affairs in Jakarta;
- urging the Indonesian government to investigate and punish, including by dismissing, any official, including national police and *Wilayatul Hisbah* officials in Aceh, who exceed their authority, fail to protect women and religious minorities, or use violence against individuals under their control;
- urging the Indonesian government to 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, remove any restrictive barriers on building and refurbishing places of worship for all religious groups in Indonesia, and 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; and
- facilitating a durable solution for internally displaced persons (IDPs) in Central Sulawesi, the Maluku, and West Lombok, and for Rohingya refugees in Aceh.

## **II. Supporting the Promotion of Religious Freedom and Human Rights, Countering Extremism, Teaching Tolerance, and Building Interfaith Alliances**

As part of the U.S.-Indonesia Comprehensive Partnership, the U.S. government should support religious groups and other elements of civil society that promote religious freedom and human rights, counter extremism, teach tolerance, and build interfaith alliances to deal with pressing social, legal, political, and economic concerns including:

- renewing the Memorandum of Understanding (MOU) with Komnas-HAM and seeking to expand the capacity, training, and reporting ability of Indonesian human rights defenders;
- creating an agreement with the Ministry of Religious Affairs and other Indonesian civil society groups to train and equip members of provincial Joint Forums for Religious Tolerance (FKUBs), allowing FKUB members to mediate sectarian disputes in ways consistent with Indonesia’s national and international commitments to protect the freedom of religion and belief;
- creating national campaigns that discourage societal violence and vigilantism, including related to the implementation of sharia in Aceh, and emphasizing that such violence, including acts taken in the name of community solidarity or morality, are criminal acts and are incompatible with Islam and national, provincial, and local laws;
- supporting academic and NGO research on areas of sectarian conflict and tensions, such as in Bekasi, Bogor, Ambon, Poso, and parts of Papua in order to map the key players and organizations,

document recent extremist activity, and develop with community leaders projects to ease the tension and marginalize extremist groups;

- creating programs to train, equip, and build capacity and networks for Indonesia's legal reform advocates, governmental judicial officials and judges, and legal and human rights-focused civil society organizations, including the National Human Rights Commission (Komnas HAM), the National Women's Commission (Komnas Perempuan), and the Constitutional Court;
- establishing programs to support monitoring of the implementation of sharia law in Aceh 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 virtue and vice patrols or sharia courts in Aceh or other municipalities in Indonesia;
- supporting programs, through NGOs, academic institutions, Komnas HAM and Komnas Perempuan, to train police and law enforcement officials on national and international human rights principles and compliance, including emphasizing local officials' responsibility to prosecute perpetrators of violence, and ensuring that officers participating in such programs are thoroughly vetted to confirm they have not been implicated in abuses;
- expanding support for various forms of new media, including radio, television, internet, and publishing activities that advance interfaith cooperation, religious tolerance, and promote respect for religious freedom, women's rights, and human rights; and
- expanding support for media and publishing ventures for Indonesian organizations seeking to promote intra-Muslim dialogue on the compatibility of Islam and human rights, democracy, and pluralism, women's rights, including the translation of books by prominent Indonesian scholars into, as appropriate, Arabic, Urdu, Persian, Turkish, and English.

In addition, as part of U.S.-Indonesian counter-terrorism cooperation, the U.S. should ensure that any future ties with the Indonesian military and police should include as priorities:

- 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);
- conditioning any funds for the new anti-terror agency *Badan Nasional Penanggulangan Terorisme* (BNPT) in order to issue public reports on sectarian and societal violence and develop training guidelines for police and government officials on preventing and addressing sectarian conflict and societal violence that is consistent with international human rights standards;
- reform of the Indonesian military, including transfer to civilian control, training in international human rights standards, and technical assistance in military law and tribunals;
- transfer or remove from Papua, the Maluku, or Central Sulawesi any security, police, and militia personnel 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; and
- ensure that officers participating in U.S. funded counter-terrorism programs are thoroughly vetted to confirm they have not been implicated in abuses and deny any funding, training, or visas to any police or military unit or security agency personnel found to have engaged in violations of human rights.

### **Statement of Commissioner Felice D. Gaer:**

While I support the placement of Indonesia on the Commission’s Watch List, I respectfully dissent from the recommendation that the United States should “condition[ ] any funds for the new anti-terror agency *Badan Nasional Penanggulangan Terorisme* (BNPT) in order to issue public reports on sectarian and societal violence and develop training guidelines for police and government officials on preventing and addressing sectarian conflict and societal violence...”

I am deeply concerned by the demonstrable increase in sectarian tension and societal violence in Indonesia over the course of the past year. But any U.S. funding for the BNPT should be for the purpose of supporting that new agency’s specific efforts to combat *terrorism*. U.S. funding to Indonesia for the purpose of addressing the broader issue of societal violence and sectarian conflict, particularly through monitoring and reporting on such conflict, should take place outside the counter-terrorism framework. It should be conducted by organs of the Indonesian government and civil society, including the Indonesian police, but also others, including the Ministry for Law and Human Rights, the National Human Rights Commission (Komnas HAM) and other independent bodies. Further, U.S. funding for the BNPT should not expand the role of the Indonesian military (*Tentara Nasional Indonesia* or TNI) in combating societal or sectarian violence throughout Indonesia. The United States should ensure that in providing any funding to the BNPT for counter-terrorism activities and otherwise, it does not have the effect of aiding individual units of the Indonesian police or military where the Indonesian government has failed to investigate allegations that those units have committed serious violations of human rights and to bring those responsible to justice. This would follow the spirit of existing limitations on U.S. funding for foreign security forces and avoid creating a “loophole” that permits funding to abusive units.

Efforts by the Indonesian authorities to address sectarian and societal violence will involve techniques like education, mediation, conflict prevention, and crisis response. These are very distinct from skills such as detecting, investigating and apprehending suspected terrorists, often with force. If the United States wishes to provide funding to the BNPT for the purpose of *countering terrorism*, this Commission should not recommend that it condition such funding on the BNPT’s becoming involved in *monitoring and addressing sectarian and societal violence*, a very different phenomenon.

I am concerned that encouraging counter-terrorism forces under the BNPT, including members of the counter-terrorism unit of the police, Detachment 88, to report on sectarian violence will promote an undesirable expansion of the unit’s “anti-terrorism” mandate and will increase the likelihood of the commission of human rights abuse by the authorities in situations involving sectarian tension. As the Commission’s chapter on Indonesia notes, Indonesian human rights groups have expressed criticism of the performance of Detachment 88, including on the basis of allegations that members of Detachment 88 have arbitrarily resorted to the use of lethal force in confrontations with suspects and have subjected individuals apprehended to abuses amounting to torture. Rights groups also allege that members of Detachment 88 have interpreted their mandate to allow them to apprehend and interrogate not only suspected terrorists, but also suspected separatists (such as in Maluku) – even in cases where the separatists have limited expressing their political beliefs to peaceful and non-violent acts.

I therefore recommend that any U.S.-funded monitoring of sectarian violence, whether by the police or by other organs of the Indonesian government (such as the Ministry of Law and Human Rights, Komnas HAM, or another agency), or civil society, be carried out outside rather than within the BNPT framework.

As noted in this chapter, U.S. funding for the BNPT will support the involvement of not only the police but also the Indonesian military (TNI) in counter-terrorism activities. In this regard, the BNPT framework represents a departure from the Indonesian government’s previous approach to counter-terrorism, which gave the police exclusive authority in this area. Human rights organizations in Indonesia

and leading experts on the region have expressed concern about the very fact that the BNPT will involve the Indonesian military (TNI) in its activities. TNI has a long and much-criticized history of impunity for serious human rights abuses, including with regard to regional and sectarian conflicts – a fact to which the Commission has previously pointed. Moreover, both the UN Committee against Torture and the Special Rapporteur on Torture have expressed deep concern over allegations of excessive force, widespread torture and abuse by members of the armed forces and paramilitary groups in military and ‘sweep’ operations in Papua and other provinces with armed conflicts. Further, as this chapter also notes, there have been credible reports that the Indonesian military has been involved directly in some of the very activities that give rise to the recent sectarian tensions, namely, “efforts to ‘return’ the Ahmadiyah to ‘the right path.’” Given such allegations, the Commission should not advocate U.S. funding for the BNPT that encourages the Indonesian military (TNI) to broaden its role.

If U.S. funding to the BNPT is to be conditioned, as the Commission recommends, it should include conditioning on respect for human rights by the actors involved. If evidence emerges that forces under the BNPT’s coordination have committed serious violations of human rights and the Indonesian government has failed to conduct prompt and effective investigations or otherwise follow up, then US funding to the BNPT should be withheld. I do support the Commission’s recommendation that the US should dedicate funds to elements of the Indonesian police for training in protecting human rights in these areas, a position the Commission has previously affirmed.

Additionally, I would like to correct certain points in the chapter related to the actions of the sharia police in Aceh. USCIRF claims that the activities of the sharia police have decreased in recent years, but according to eyewitnesses and human rights defenders in Indonesia and the government’s own statistics, this is not true. While the budget of the sharia police has been reduced, official records show a consistently high level of enforcement – with over 3,000 “violations” of the sharia laws documented annually – despite this. As to the issue of whether sharia police set up roadblocks to monitor Islamic dress, these continue to be conducted on a regular basis, including in Banda Aceh. I have received credible and reliable reports from an eyewitness to such roadblocks about 10 minutes from central Banda Aceh, including as recently as December 2010.

Since my service on the Commission began, in 2001, I have consistently drawn attention to any practices related to freedom of thought, conscience and religion that coerce, abuse or otherwise discriminate against women or destroy their rights. Unfortunately, the implementation of sharia law in Aceh belongs squarely in that category. Failure to discuss and acknowledge its ongoing coercive, discriminatory, and abusive elements (including the sanctioning of corporal punishment) amounts to turning a blind eye to the legal and practical abuse experienced in Aceh, particularly by women.

#### **Statement of Chairman Leonard Leo:**

The Commission has recommended that the United States condition “any funds for the new anti-terror agency *Badan Nasional Penanggulangan Terorisme* (BNPT) in order to issue public reports on sectarian and societal violence and develop training guidelines for police and government officials on the prevention of sectarian conflict and societal violence...” The rationale for this recommendation is that U.S. funding for BNPT should not support efforts to combat “terrorism” without also addressing “sectarian and societal violence” because they are inextricably intertwined.

Throughout the Commission’s annual report, we have conceived of sectarian conflict and societal violence to encompass acts of terrorism and the destructive and inhumane actions of terrorists. That is most apparent in the analyses of Afghanistan, Iraq (al-Qaeda), India, Pakistan (Lashkar-e-Taiba), Nigeria (Boko Haram), Somalia (Al-Shabaab), and Uzbekistan (Hizbut-Tahrir). To recognize this connection all

over the world, and not to do so in the case of Indonesia, would be disturbingly inconsistent and potentially dangerous.

As the Commission's findings make clear, in Indonesia there are demonstrable connections between religious freedom violations, societal violence, and support for terrorist activity. Extremist groups such as FPI target religious minorities and moderate Muslim religious leaders who support tolerance and human rights. The connection became apparent during the USCIRF delegation's visit to Indonesia, which I led, in May 2010. Civil society representatives and religious leaders reported that the FPI not only stokes violence against religious minorities, but it supports terrorist activity and terrorist groups, such as "al-Qaeda in Aceh," which has recruited directly from the FPI's ranks. In other words, root causes of terrorist activity in Indonesia include societal violence and sectarian tensions caused, in turn, by extremist groups. The USCIRF recommendation recognizes this is a serious problem on which BNTP should be publicly and transparently reporting. If the U.S. is to be giving financial support to BNTP, then the better part of judgment would be to condition those funds in a manner that aims for a greater likelihood of effectiveness by heightening attention to human rights.

To be sure, there are legitimate concerns regarding the role of the Indonesian military (TNI) in counter-terrorism efforts, particularly in light of the TNI's troubled record in Papua, East Timor, Aceh, and Central Sulawesi. It is not at all certain, however, whether the TNI would in fact play a larger role in domestic counter-terrorism efforts with the creation of BNTP. The chief of BNTP recently said that the TNI would "not play a major role in counter-terrorism efforts" but instead would assist the Indonesian police in coordinating intelligence gathering – a crucial contribution given the international nature of terrorist networks.

The Indonesia chapter makes abundantly clear that there are relevant concerns about the role BNTP would play within the Indonesian government. But rather than say nothing about the prospect of the U.S. giving funds without safeguards to an institution it has decided to support and then passively waiting to see what happens, we believe the U.S. should ensure that systems of accountability are put in place at the front end in order to prevent potential legal and human rights abuses in these counter-terrorism efforts. If, over time, BNTP takes a wrong turn, and the military ends up taking on a larger role in counter-terrorism efforts, the U.S. could (and should) scale its support accordingly or eliminate it altogether. In other words, the Commission's BNTP recommendation stands for building human rights capacity where most relevant and needed at present. In this regard, the USCIRF recommendation is similar to a proposal offered recently by the International Crisis Group.

The alternative would be to entrust monitoring and reporting of societal violence and sectarian conflict to institutions whose mandate is not specifically counter-terrorism, such as the Ministry for Law and Human Rights. Ironically, that Ministry is charged with managing Indonesia's program for the rehabilitation of terrorists, illustrating the impossibility of segregating counter-terror efforts from issues of societal and sectarian violence. It also bears noting that there are no guarantees that concerns about the heavy-handedness of the police and the military will be addressed solely by virtue of relying on the civilian nature of the Law and Human Rights Ministry. The head of this same ministry, Patrialis Akbar, who is on record as supporting measures to ban the Ahmadiyah religious community as heretics, is quoted in an Al Jazeera interview in June 2010 as stating that one of his goals for the terrorist rehabilitation program would be to encourage and even fund former Jemaah Islamiyah fighters to carry out "bomb attacks in Israel instead."

This Commission has no quarrel with the idea that protection of religious minorities from extremist groups can be solved by the efforts of police and security forces alone. In fact, USCIRF's chapter on Indonesia specifically recommends that U.S. assistance be directed to governmental agencies, civil society groups, and religious organizations to help train police and law enforcement officials on

national and international human rights commitments, to monitor sharia implementation in Aceh, and to provide research and recommendations for ways to minimize the appeal of extremist groups and address societal violence. Proper understanding and application of these commitments is essential to the recognition of the human dignity of all persons – whether Ahmadiyahs in West Java, Christians in Central Sulawesi, or women who continue to suffer under discriminatory and oppressive sharia dictates in Aceh.