

2006 ANNUAL REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Countries on the Commission's Watch List

Indonesia

Indonesia's transition to democracy since the end of military rule in 1998 is a notable achievement. The majority of Indonesians have embraced democracy, religious tolerance, and religious pluralism. In addition, a vibrant civil society has initiated public discussions on the nature of democracy, the separation of religion and state, women's rights, and human rights more generally. These developments have contributed to a gradual improvement in conditions for human rights, including religious freedom, over the past few years. Nevertheless, the Commission remains concerned about ongoing communal violence, the forcible closures of places of worship belonging to religious minorities, the growing political power and influence of religious extremists, and the lack of civilian control over the military. Religiously motivated violence in Central Sulawesi, the Maluku, Papua, and parts of West Java continued in the past year, including murders, bombings, and mob violence. In some of these regions, militant Islamist groups appear to operate with relative impunity. Moderate Muslim leaders and members of religious minorities face pressure, intimidation, or sometimes violence from protestors organized by extremist groups, government officials, or members of the police and military. In addition, the government continues to restrict the construction and expansion of places of worship. Because of these persistent concerns, the Commission continues to place Indonesia on its Watch List.

Islam in Indonesia is known historically for its tolerance and its assimilation of a variety of indigenous cultural traditions. With the end of authoritarian rule, there has been a revival of Islamic awareness and piety, once repressed by the government. The wearing of Islamic dress has re-emerged as an outward sign of devotion; the number of Islamic banks, businesses, and magazines is growing; and Islamic-themed art and fiction are becoming more popular. The role of Islam in politics and society, as well as the growth of terrorism, are discussed widely on television and radio and in numerous public fora, including during the last presidential debates. At the same time, there are also concerns that more extremist strains of Islam are finding converts, gaining political strength in some local areas, and stoking communal violence and terrorism.

Religious extremist groups in Indonesia continue to be responsible for harassment, intimidation, and acts of violence. Members of these groups intimidate judges and local officials and vandalize and destroy buildings belonging to religious minorities, including Christian churches, Hindu temples, and Ahmadiyah mosques and

religious centers. In September 2005, the Islamic Defender Front (FPI) organized protests and intimidated lawyers and judges during the trial of three Christian women who were being tried for allegedly “proselytizing” to Muslim children. Through the intimidation of government officials and the instigation of mob violence, the FPI and another group, the “Alliance for Anti-Apostates,” effectively closed at least 50 Protestant churches in West Java during 2005, a significant increase from the previous year; churches were burned or destroyed by mobs or closed by government officials after intense community pressure. In some cases, police did little to stop the violence and on occasion, even participated in it. In January 2005, six Hindu temples in Bali were vandalized. In March 2006, a Hindu temple was bombed in Central Sulawesi. Twice in July 2005, mobs attacked the Ahmadiyah compound in Bogor, West Java. Despite the presence of security forces, several buildings were burned. No assailants were arrested in these attacks. In September 2005, mobs attacked Ahmadiyah mosques and other property in Cianjur, West Java. Police did arrest 45 suspects in that attack and are pursuing prosecution against 12 of those arrested. However, as a purported protective measure, local government officials banned all Ahmadiyah activities in Cianjur. In March 2006, there were reports that mobs attacked the homes and private property of Ahmadiyah members in Prapan and Ketapang, Lombok. At least 132 people were expelled from their homes. In addition to violence against members of and property belonging to religious minorities, extremist groups also harass and close down nightclubs, bars, and cafes.

Attacks on Ahmadiyah religious communities followed the issuing of a *fatwa* in July 2005 by the Indonesian Ulemas Council (MUI) condemning Ahmadiyahs as “deviants” from Islam. In addition to the Ahmadiyah *fatwa*, the MUI issued religious edicts banning interfaith prayer, marriage, and inheritance, as well as the notions of pluralism, liberalism, and secularism. According to Indonesian human rights groups, the MUI *fatwas* undermined public support for projects of interfaith dialogue and public discussions on the compatibility of Islam, democracy, and human rights. Intellectuals, scholars, and activists engaging in these activities have been intimidated and their lives and property threatened. Though the MUI is not a government entity and its *fatwas* do not carry the force of law, the Indonesian government has not publicly addressed the MUI edicts or distanced itself from their content. However, the Indonesian government has consistently refused calls for an outright ban on the Ahmadiyah religion and publicly supports constitutional guarantees to freedom of religion for that community.

The Indonesian government continues to restrict the construction and expansion of houses of worship. In the past, Joint Ministerial Decree 1/1969 (“Regulation on Building Houses of Worship) required “community approval” for the expansion of existing or the building of new religious venues. In areas where Christians, Hindus, or Muslims were the minority, new building permits were often difficult, if not impossible, to

obtain. In addition, in some places, extremists pressured local government officials to revoke permits of longstanding places of worship and destroyed those operating without permits. In response to public criticism, the Ministry of Religious Affairs issued a new Decree (Joint Ministerial Decree 1/2006), which appears to impose new restrictions and make it even more difficult to obtain a permit. In replacing the vague “community approval” standard, the new decree requires religious groups with 90 or more members to circulate a petition and get 60 local residents to support the building or expansion of their religious venue. The petition then has to gain majority approval from both district and provincial panels of religious leaders. The membership of the panels will be chosen proportionally by the number of religious adherents in the region.

Protestant and Buddhist leaders oppose the measure because many of their religious venues have fewer than 90 members. Other religious leaders believe that extremist groups will intimidate anyone who signs his or her name to a public petition. In addition, critics of the new decree argue that the proportional membership of the district and provincial panels does not protect the rights of religious minorities and opens the permit process to corruption. Muslim leaders are divided about the new decree’s impact. Hazim Muzadi, head of the Nahdatul Ulama (NU), Indonesia’s largest Muslim organization, declared that the new decree was “more restrictive” than the previous one. However, the Chairman of the National Assembly, Hidayat Nur Wahid, pointed out that “restrictive regulation...is needed to avoid sectarian conflicts among religious communities.” The Commission will continue to monitor the implementation of the new decree in the coming year.

Although the annual number of dead and injured continues to decrease, communal violence in Central Sulawesi and the Maluku continued in the last year, threatening to re-ignite Christian-Muslim conflict that claimed thousands of lives between 1999 and 2001. At least 13 people were killed and 80 injured in the Maluku last year in separate attacks on a marketplace, a crowded bus, and a police station. In March 2005, a hand grenade exploded in a Muslim neighborhood in Ambon. In retaliation, Muslim residents attacked a bus carrying Christians. In August 2005, a bomb exploded in an Ambon market, injuring bystanders and destroying property. Police wounded two suspects in this bombing. In Central Sulawesi, at least 37 people were killed and 104 injured in communal violence in the past year. In May 2005, two bombs exploded in a central market in the predominately Christian town of Tentena, killing 24 people. In October and November 2005, eight Christian girls and one Muslim girl who was mistaken for a Christian from Poso were killed in three separate attacks. Three of the girls were beheaded. In January 2006, a bomb exploded at a “pork butcher” in the city of Palu, killing several customers. Local religious leaders condemned the attacks as the work of “outside extremists” and expressed continued support for expanded security and reconciliation efforts.

President Susilo Bambang Yudhoyono publicly condemned the violence in Central Sulawesi and sent police investigators from Jakarta to coordinate investigations. However, no arrests have been made in any of the cases of communal violence that occurred in the past year. Some local leaders in Central Sulawesi laud recent efforts by local police to investigate, arrest, and prosecute those involved in past violence. At the same time, they are critical of security forces for not taking more effective measures to prevent the violence. Extremist groups, including members of Mujahadin Kompak (MK), a militant offshoot of Jemaah Islamiyah, are known to operate in Central and South Sulawesi. These militant groups were frequently responsible for attacks on religious minorities and for instigating mob actions to restrict religious activities. It is widely believed that concerted government efforts to reduce the activities and influence of militant groups would do much to improve religious freedom conditions in Indonesia.

The Indonesian government has made some progress holding accountable those responsible for past communal violence in Central Sulawesi and the Maluku. Suspects in the May 2005 Tentena bombing and the shooting of a local minister have been detained, though no arrests have been made in these cases. According to the State Department, Central Sulawesi government officials have called for the investigation of members of the security forces involved in religious violence during the 1999-2001 period and have named a senior police officer as a suspect in a 2004 church bombing. There remain concerns, however, about judicial independence and the disparate sentences given Muslim and Christian defendants in cases of past religious violence. Such disparities continue to fuel grievances that exacerbate religious tension.

Human rights organizations have been critical of the role played by the Indonesian armed forces (Tentara Nasional Indonesia, TNI) in regional conflicts throughout Indonesia. The TNI operates independently of civilian political control and only 30 percent of its revenue is allocated by the National Assembly, the Indonesian legislature; the other 70 percent comes from the TNI's private business investments and other ventures. The TNI held expansive political and economic power during the former Suharto regime, though they have recently relinquished their reserved seats in the National Assembly. President Yudhoyono has cautioned that a move to assert civilian control of the TNI too quickly could have negative consequences for democratic stability in Indonesia. Nevertheless, reigning in the TNI's power and holding its senior officers accountable for human rights violations is a critical element of addressing ongoing sectarian violence and other human rights problems in Indonesia.

The State Department's 2005 human rights report states that in the past year, the TNI continued to prosecute junior officers and enlisted men for human rights violations. However, senior officers are rarely held accountable for abuses against civilians, including extrajudicial executions, forced disappearances, beatings, arbitrary arrests and detentions, and drastic limits on freedom of movement and association. For example, senior officers escaped with small sentences, most of which were overturned on appeal, for the atrocities committed in 1999 in what is now independent East Timor.

Some of the very officers indicted for human rights abuses in East Timor, including Timbul Silaen and Eurico Guterres, now hold similar positions of authority in the eastern region of Papua. Papua's population has swelled in recent years, due to large flows of economic migrants and other civilians fleeing conflict elsewhere in Indonesia. Indigenous Papuans are predominantly rural and Christian, while the migrant groups are predominantly urban and Muslim, creating a volatile mix similar to that found in Central Sulawesi and the Maluku at the time those violent sectarian conflicts erupted. The presence of Silaen and Guterres in the area has raised fears that additional sectarian conflict and human rights abuses will occur in Papua.

Last year, the United States restored military-to-military relations with the TNI, which had been suspended because of the TNI's role in perpetuating violence in East Timor during 1999 and allegations of its involvement in the killing of two American teachers in Papua in 2002. In November 2005, the United States started a small International Military Education Training (IMET) program and a Foreign Military Financing (FMF) program in order to boost the TNI's counter-terrorist capabilities. In the past, the Commission recommended that any renewed military assistance give priority to reform of the Indonesian military, including human rights training and technical assistance for legal tribunals and other mechanisms to hold military officers accountable for human rights abuses. It is too soon to evaluate the effectiveness of U.S. military assistance on these priorities. The Commission will continue to monitor U.S. military assistance to Indonesia and its relation to the general situation for human rights, including religious freedom, in that country.

In August 2005, the Indonesian government concluded a comprehensive peace agreement with the insurgent group Free Aceh Movement (GAM). The agreement ended a thirty year conflict that had resulted in significant human rights abuses. As of this writing, the agreement remains in place and there is optimism that a lasting peace is possible in Aceh. However, the peace agreement does not overturn Aceh's special autonomy status, which allowed the province to establish and implement sharia law. In 2001, sharia police, locally know as *Wilayatul Hisbah*, were set up to enforce religious norms. Initially, these "police" were often confined to mosques and other religious institutions. Since the peace agreement was signed, however, sharia police have become more visible. There are reports of sharia police issuing fines and meting out

other punishments to Muslims found gambling or consuming alcohol, unmarried couples found engaging in “immoral” behavior, or women found without headscarves. Public caning punishments are now commonplace in some towns, particularly for gambling. Non-Muslims are exempt from sharia provisions in Aceh.

A vocal and influential minority of Indonesians continues to call for implementation of sharia law throughout Indonesia. An August 2002 proposal to implement sharia at the national level was withdrawn from consideration by the National Assembly because it did not have sufficient support to pass and was opposed by the country’s two largest Muslim organizations. Efforts to revive the legislation continue and could reemerge during the current National Assembly session. In addition, there are efforts to enforce Islamic law at the municipal and regional levels. In South Sulawesi, Madura, and Padang, West Sumatra, local authorities required women to wear headscarves and men to follow traditional Islamic rituals on Fridays. Similar practices were already put in place in parts of West Java, including Cianjur, Tasikmalaya, and Garut. In August 2005, a court in Surabaya issued a two-year sentence to a man who offered a public prayer in Indonesian instead of Arabic, after religious leaders argued that the prayer insulted Islam. Municipal governments in Kendari, Medan, and Palembang closed discos, massage parlors, bars, and karaoke establishments during Ramadan. Non-Muslims were exempt from the new laws. Muslim women’s groups, however, expressed fear of reprisals if women in these areas chose not to comply with the laws.

In June 2003, the National Assembly passed an education bill, which, if enforced, would require both public and private schools to provide religious instruction to their students. In the last year, the government had still not implemented the most controversial provisions of the law.

The Indonesian government continues to encourage inter-religious tolerance and cooperation. Some Indonesian government officials pursued ongoing work with local Muslim and Christian community leaders to diffuse tensions in conflict areas. There are also a growing number of inter-religious non-governmental organizations initiating discussions on pluralism, democracy, religious tolerance, and human rights.

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

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

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

- disarm fully and disband all outside militia forces in Sulawesi, the Maluku, and Papua, such as Laskar Jundullah, Mujahidin Kompak, and Laskar Merah Putih;
- continue efforts to bring those who participated in or are responsible for sectarian and ethnic violence in Central Sulawesi, Maluku, and Papua to justice, by providing fair and transparent trials;
- provide protection for religious venues, as well as restitution to religious communities whose venues are destroyed or closed due to mob violence or protest, and ensure that those responsible for such acts are prosecuted;
- 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 violating the rights of the Ahmadiyah community, as contradicting the ideals of religious freedom and tolerance found in Indonesia's Constitution, and condemn publicly the communal violence and harassment that followed the issuance of the *fatwas* targeting moderate Muslim organizations, such as the Liberal Islam Network (JIL), as well as Ahmadiyah mosques and religious centers;
- amend the Joint-Ministerial Decree No. 1/2006, (Regulation on Building Houses of Worship) in such a way that it is consistent with the Indonesian constitution's protection of religious freedom and removes restrictive barriers on building and refurbishing places of worship for all religious groups in Indonesia; and
- transfer or remove from Papua 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;
 - establishing 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;
 - monitoring 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 1) transfer to civilian control, 2) training in international human rights standards, and 3) technical assistance in military law and tribunals; and
 - 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).