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Annual Report 2010



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United States Commission on International Religious Freedom**

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Front Cover: URUMQI, China, July 7, 2009 – A Uighur Muslim woman stands courageously before Chinese riot police sent to quell demonstrations by thousands of Uighurs calling for the government to respect their human rights. The Uighurs are a minority Muslim group in the autonomous Xinjiang Uighur region. Chinese government efforts to put down the ethnic and religious protest resulted in more than 150 dead and hundreds of arrests. (Photo by Guang Niu/Getty Images)

Back Cover: JUBA, Southern Sudan, April 10, 2010 – School children participate in a prayer service on the eve of Sudan's first national elections in more than two decades. Those elections are called for under the Comprehensive Peace Agreement between North and South Sudan, the full implementation of which is widely believed to be essential to averting another bloody civil war marked by sectarian strife. Although the elections were deeply flawed, many Southern Sudanese saw them as a necessary milestone on the road to a January 2011 referendum on Southern Sudan's political future--the final major step in the peace agreement. (Photo by Jerome Delay/Associated Press)

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Indonesia

FINDINGS: Indonesia's transition to democracy since 1998 has contributed to an overall improvement in conditions for human rights in the country. The majority of Indonesia's diverse religious communities operate openly and with few restrictions, and there are vibrant public discussions among politicians, religious leaders, and civil society about the role of religion in political life. The government of President Susilo Bambang Yudhoyono has taken positive steps to address terrorism and past sectarian violence in the regions of Ambon and Central Sulawesi, to bring peace to the region of Aceh, and to build popular support for democracy. However, during his presidency, religious minorities have experienced harassment, intimidation, discrimination, and even violence perpetuated by groups espousing intolerance and extremism under the banner of Islamic orthodoxy. The activities of some extremist groups are sometimes tolerated by segments of the Indonesian government. In addition, despite legal protections for religious freedom, national decrees and provincial laws 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 for 2010. Indonesia has been on the Commission's Watch List since 2002, after sectarian violence erupted in Central Sulawesi and the Makukus.

Indonesia has a tradition of religious tolerance and pluralism. Nevertheless, religious radicalism and extremism have found converts in Indonesia, leading to sectarian violence, terrorism, and religious freedom violations. Indonesians have rejected extremism at the polls, but it often goes unchallenged by many political, civic, and religious leaders. In the past year, extremist groups have forcibly closed places of worship belonging to religious minorities, sometimes with the acquiescence of local or provincial officials. A 2008 joint ministerial decree curtailing the activities of the Ahmadiyya community remains in place, as do provincial bans that go further than the decree's stated intent. Provincial officials have also employed Article 156(a) of the Indonesian penal code to harass and detain individuals considered religiously "deviant" and continue to enforce local *perda syariah* laws restricting the rights of women and some non-Muslims. In addition, USCIRF remains concerned about the situation in Papua, where long-standing political and economic grievances and human rights abuses have deepened sectarian tensions.

PRIORITY RECOMMENDATIONS: The interests of the United States are advanced by a democratic and prosperous Indonesia committed to countering terrorism and promoting religious freedom, religious tolerance and interfaith cooperation. As part of the formal bilateral partnership being pursued by the Obama Administration, USCIRF recommends that the Administration support any government offices, religious groups, and civil society organizations in Indonesia 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. A vibrant U.S.-Indonesian partnership can be an important model, ensuring Indonesian stability, addressing regional human rights issues and the threat of terrorism, and expanding universal rights and freedoms in the "Muslim world." Additional recommendations for U.S. policy towards Indonesia can be found at the end of this chapter.

Religious Freedom Conditions

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

Islam in Indonesia is known historically for its tolerance and accommodation of a variety of indigenous cultural and religious traditions. Over the past decade, there has been a revival of Islamic awareness and piety, previously repressed by the former military government. The wearing of Islamic dress has re-emerged as an outward sign of devotion; the number of Islamic banks, businesses, and publications is growing; and Islamic-themed art and fiction are becoming more popular. Indonesian Muslim leaders have engaged in lively discussions on the nature of democracy and pluralism, the separation of religion and state, women's rights, and human rights more generally. There are numerous religiously-based political parties and the role of Islam in politics and society, as well as the growth of religiously-justified terrorism, are topics discussed widely on television and radio and in numerous public fora.

The revival of Islamic piety, coupled with Indonesia's new democratic openness, has strengthened Indonesia's mainstream Muslim institutions and the rights of some religious minorities, 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 and religious freedom violations. These violations include a troubling number of instances of societal violence targeting religious minorities and the intimidation, arrest, detention, and harassment of allegedly heterodox Muslims and some non-Muslims for allegedly "denigrating religion," "deviancy," or "blasphemy."

Extremist groups and more religiously conservative Islamic political parties have failed to win popular support, as evidenced by results of the April 2009 parliamentary elections and the overwhelming re-election of President Susilo Bambang Yudhoyono in June 2009. However, they have successfully pressed their agenda both publicly and politically, pressuring government officials, judges, and politicians through private lobbying, demonstrations, threats, and mob action. Such efforts resulted in the 2008 Joint Ministerial Decree on the Ahmadiyya and the Anti-Pornography Law, as well as a number of local sharia-inspired laws in 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. Though President Yudhoyono and his Democratic party won major electoral victories in 2009, they have not indicated whether they will support repeal of the ministerial decree on the Ahmadiyya or overturn or amend laws that restrict religious freedom.

Addressing Past Sectarian Violence

In 2002, the Commission placed Indonesia on its Watch List after sectarian violence in Central Sulawesi and the Malukus claimed thousands of lives and displaced tens of thousands of others. 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. Local civic and religious leaders and government officials have worked to promote reconciliation and diffuse tensions in former conflict areas. 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. In December 2009, Indonesian courts sentenced 17 individuals to 14 years imprisonment for taking part in sectarian violence in Ambon. Also, the Masohi District Court of Maluku began trials in February 2009 for three suspects who instigated riots that destroyed parts of a Christian village. One of the individuals being tried is a schoolteacher who reportedly denigrated Islam in his classroom, setting off the riots.

Religious leaders and government officials reportedly visited the villages in order to promote reconciliation and gather weapons and ammunition.

Indonesian extremist and terrorist groups continue to train, recruit, and operate in Sulawesi and in islands near the Philippines. These groups frequently have been responsible for attacks on members of religious minorities and police, instigating mob actions to restrict religious activities, stoking sectarian tensions, and organizing political efforts to segregate Central Sulawesi into Muslim and Christian enclaves. Since widespread rioting and sectarian clashes in late 2007, there have been few new incidents of violence. The Indonesian government has taken active steps to promote stability, but tensions continue to exist in the region fueled by political and economic rivalries between Muslim and Christian elites.

In recent years, the police arrested and the courts sentenced individuals who organized the beheading of three young girls in 2006. Police also have apprehended at least 10 others who confessed to participating in various bombings, beheadings, and shootings in Central Sulawesi over the past two years. Police in Central Sulawesi claim that they have arrested or killed 18 of the 29 individuals “most wanted” for sectarian violence in that region, including two individuals accused of the 2006 assassination of Reverend Irianto Kongkoli.

Despite some successes in rooting out suspected terrorists, police tactics, particularly those of the elite counter-terrorism unit Detachment 88, have exacerbated existing sectarian tensions in Sulawesi. Local religious leaders claim that Detachment 88’s harsh tactics increased sympathy for extremists in Central Sulawesi and attracted religious militants from other regions. For example, in April, 2008 police shot and killed Madi, a sect leader involved in a 2005 clash with police.

Many grievances remain from the sectarian conflict that occurred in 1999-2001 in Central Sulawesi and the Maluku, and there continue to be large number of persons who remain displaced from the conflict. In addition, extremists groups still operate in the region, recruiting, and setting up terrorist training camps in remote regions. The June 2007 arrest of suspected terrorist leader Abu Dujana confirmed that the goal of terrorist networks was to stoke sectarian tensions in Central Sulawesi through bombings and assassinations of religious leaders.

Success of Anti-Terrorism Campaign

The Indonesian government continues to make notable progress in capturing and prosecuting persons accused of specific terrorist activities, including killing or arresting 15 individuals on the United States’ most wanted list. In 2008, police raided a Jemaah Islamiyah (JI) compound in Central Sulawesi and arrested dozens of suspects including Ainul Bahri and Zuhroni, two top JI leaders. Ustadz Rian, one of the primary organizers of JI’s terrorist operations, was killed during the raid. In April 2008, an Indonesian court officially declared JI a terrorist organization and sentenced its military commander, Abu Dujana, to 15 years imprisonment for stockpiling weapons, harboring fugitives, and committing terrorist violence. In January 2009 ten militants with ties to JI were tried for killing a Christian schoolteacher, illegally possessing explosives, harboring fugitives, and plotting to bomb a café. The primary suspect, Mohammad Hasan, a Singaporean English teacher, trained with al-Qaeda in Afghanistan and served as a courier for Osama bin Laden in 2000. He was given an 18 year prison sentence in April 2009.

In February 2009, three JI terrorists were sentenced to eight to nine years in prison for aiding and abetting JI operatives. In April 2009, the government arrested and convicted members of the Palembang group, including Fajar Taslim, Zuber, and Yudi, who were sentenced to 18, 10, and 12 years respectively. Also in April, suspected terrorists Sugiarto, Agustiawarman, and Heri Purwanto were each sentenced in a Jakarta court to 12 years imprisonment for violating the antiterrorism law.

The Indonesian government has been actively hunting JI's top commanders, particularly after the July 2009 bombings at the J.W. Marriott and Ritz-Carlton Hotels in Jakarta. During the past year, counter-terrorism units killed JI top commander Noordin Mohammed Top (September 2009) and Dulmantin (March 2010). Dulmantin was the reported mastermind of the 2002 Bali nightclub bombing and responsible for a string of church bombings in the Philippines in 2000.

Extremist Groups and Societal Violence

According to opinion polls, public support for terrorist organizations and suicide bombings has declined dramatically in Indonesia since the 2005 Bali bombing. Yet, at the same time, the number and influence of groups pressing political and religious agendas under the banner of Islamic orthodoxy has grown. 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 Islamic Defenders Front (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. Their actions have included intimidating judges and local officials; vandalizing and destroying buildings belonging to religious minorities, including Christian churches, Hindu temples, and Ahmadiyya and Shi'a mosques; threatening moderate Muslims or those considered to have "deviant" theological views; and forcing the closure of some non-Muslim businesses during Ramadan. Though these groups are a tiny minority of Indonesia's diverse Muslim community, they remain an active 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. Police have arrested and sentenced members of some extremist groups who instigate violence, including the leaders of the Islamic Defenders Front (FPI) after they orchestrated violence at a June 2008 religious freedom rally in Jakarta. Nonetheless, the government has not been consistently vigilant about hindering the activities of extremist groups or holding leaders responsible for acts of societal violence, vandalism, discrimination, or intimidation.

Additionally, the Indonesian government has been silent about local or provincial laws that contravene national laws concerning the protection of religious minorities. The Indonesian government also continues to provide funds for the Coordinating Board for Monitoring Mystical Beliefs in Society (Bakor Pacem) and the Indonesian Ulema Council (MUI). Both the Bakor Pacem and MUI panels called for a ban on Ahmadiyya religious activities, restrictions on interfaith marriage, interfaith worship, religious pluralism, and yoga, and also have called for widespread enforcement of the blasphemy law. Local MUI chapters, often in the name of religious harmony, pressure provincial officials to close the venues of religious minorities, ban the Ahmadiyya practice, or take action against groups viewed as having "deviant" religious views.

Restrictions and Societal Violence Targeting the Ahmadiyya

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, societal violence targeting religious minorities and the use of the "deviancy" law have expanded in recent years. Religious leaders and human rights activists continue to express concern about the rise of intolerance and a weak response to societal violence from the Indonesian government.

Violence and legal restrictions targeting the Ahmadiyya community rose dramatically after the July 2005 MUI *fatwa* that condemned them as a heretical sect. 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 Ahmadiyya in June 2008. While not an outright ban, the decree “froze” Ahmadiyya activities to private worship and prohibited Ahmadiyyas from proselytizing, although it also outlawed vigilantism against them.

Following the decree, provincial governors in West Sumatra, South Sumatra, and West Nusa Tenggara issued outright bans on Ahmadiyya activity. The Indonesian National Commission of the Human Rights (Komnas-HAM) issued a report condemning past atrocities against Ahmadiyya, blaming the MUI *fatwa* for triggering the violence and some governmental officials for helping to implement the *fatwa*. Komnas-HAM officials also called the decree “unconstitutional.” The Indonesian government has not yet signaled whether it will review or overturn the provincial bans under the authority granted by the 2000 Regional Autonomy Law.

Since 2008, 35 Ahmadiyya mosques have been vandalized and 21 mosques and religious meeting points have been forcibly closed. However, there were fewer incidents in this reporting period than previously. Ahmadiyya leaders report that they have been allowed, in most parts of the country, to worship, though they are not free to proselytize or practice their faith publicly. In some parts of West Java, extremist groups interpret any visible Ahmadiyya activity as “proselytizing” and pressure local officials to close mosques or places of worship.

On June 2, 2009, an Ahmadiyya mosque in South Jakarta was deliberately set on fire by unidentified arsonists during morning prayers. There were no injuries from the incident and no arrests were made. In August 2009, members of the Ciputat Muslim Community Forum (FMCC) forcibly sealed an Ahmadiyya mosque in the city of South Tangerang, Banten province, accusing the Ahmadiyya community of proselytizing. Also in August 2009, mobs vandalized an Ahmadiyya mosque in Sukabumi and sealed another mosque in Cianjur, West Java. In October 2009, a mob destroyed the Mubarak mosque in Medan village, Riau Province, after the Eid al-Fitr celebration.

There continue to be an estimated 182 Ahmadiyya living 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. To date, 125 Ahmadiyya IDPs remain in the Transito Camp and 57 in the Praya Camp. It was reported that one family from the Praya Camp returned home for a brief period of time, only to return to the camp following a succession of violent threats.

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 Ahmadiyya community has found both options unacceptable. The Ahmadiyya community of Lombok has reportedly sought asylum in a third country, citing religious persecution.

Detentions for Religious “Deviancy”

According to human rights activists and other experts, the restrictions and societal violence faced by the Ahmadiyya community reflect a larger trend in Indonesia, as government officials have harassed groups and detained individuals associated primarily with allegedly heterodox forms of Islam. 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.

Over the past two years, police, provincial officials, and local MUI have taken actions to break up sects associated with groups such as Al-Qiyadah al-Islamiyah, Lia Eden, and Noto Ati, among others. 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. In October and November 2007, police detained 125 Al-Qiyadah members during raids in West Lombok, Yogyakarta, East Lombok, and Central Java. Ninety-six members of Al-Qiyadah, including the sect’s leader Ahmad Moshaddeq, publicly signed documents renouncing their beliefs. Despite his recantation, Moshaddeq was sentenced to four years in prison in April 2008 for “violating the criminal code by committing blasphemous acts.” In May 2008, Dedi Priadi and Gerry Lufthi Yudistira, members of al-Qiyadah al-Islamiyah sect, were sentenced in Padang district court to three years in prison under Article 156(a).

During the current reporting period, Lia Eden, leader of the Jamaah Alamulla Group, was found guilty of “blasphemy and inciting hatred among religious adherents.” At the same, Wahyu Wisbisono, a Jamaah Alamulla member, received two years 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 November 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.

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 group as Dzikir Asmaul Husa, Dayak Segandhu Losarang Indramayu, Islam Model Baru, Tarekat Naqsabandiyah, and Hidup di Balik Hidup. In February 2009, the East Java MUI declared that Noto Ati teachings were heretical because they violated teachings of the Koran and Hadith and because the group predicted the end of the world in early 2009. Such MUI declarations, in the past, have lead to government harassment, fines, and arrest.

Indonesia’s “deviancy laws” are not only used against allegedly heterodox Muslim groups. In April 2007, police in Malang, East Java detained 42 Protestants for disseminating a “prayer” video that instructs individuals to put the Koran on the ground and pray for the conversion of Indonesia’s Muslim political leaders. In September 2007, a local court found all 42 guilty of “insulting religion” and sentenced each to five years in prison. All were pardoned in August, 2008. 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. 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).

In December 2009, the late President Gus Dur and an interfaith coalition of civil society groups filed a petition with the Constitutional Court to overturn presidential order 1/PNPS of 1965, and by extension its later implementing legislation UU Nomor 5 1969, which outlaws distorting any of the six official religions of Indonesia. The Minister of Religious Affairs and the Minister of Home Affairs oppose judicial review of the law. They claim that the law is consistent with religious freedom guarantees in domestic law and international commitments. Recently, the Minister of Religious Affairs said that overturning the blasphemy statute would create “unlimited religious freedom,” including allowing proselytization by religious groups, which is prohibited by Indonesian law, and the proliferation of sects. He said such a development would lead to social upheaval and potential violence against religious minorities. On April 19, 2010, the Constitutional Court upheld presidential order 1/PNPS 1965 as constitutional.

Forcible Closure of Religious Venues

Indonesia’s religious minorities continued to face societal violence and pressure from local authorities in the past year. In some cases, police have arrested individuals responsible for vandalizing or destroying property of religious minority groups. In the past year, extremist groups reportedly forcibly closed as many as 15 religious venues and provincial officials have blocked and delayed building permits, despite religious groups meeting the stated legal criteria. In some areas, extremist groups interpret the existence of new Protestant or Catholic religious venues as evidence of “proselytization,” an activity banned by Indonesian law.

Police and local officials have sometimes intervened to prevent property destruction and disperse crowds. But mob violence 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 acquiesce to pressure from militants and revoke permits for longstanding places of worship or allow the destruction 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 mob action occurs.

West Java experienced the most incidents of societal violence during the past year, though there were also reported instances in the provinces of East Java, West Lombok, Madura, and Riau. Most targeted Protestant and Catholic congregations which have spread, along with better economic and housing options, to new areas of Indonesia. Hindu temples and Shi’a mosques have also been targeted. There also continue to be unverified reports that several Sunni mosques in predominately Christian Papua have been forced to close by local authorities.

In recent years, Shi’a communities in East Java and Madura faced attacks, vandalism, threats, and legal actions. In January 2008 in Madura province, villagers surrounded the house of Shi’a followers demanding they stop religious activities. Local officials and religious leaders intervened to disperse the crowd.

In January 2008, a mob burned the Sangkareang Hindu temple in Keru district, West Lombok, destroying the building and its contents. Also in West Lombok province, local officials revoked the building permit for a Hindu temple in Bayan District. As of this writing, building permits have not been granted to either temple. The Hindu community of Tangerang, West Java, was given permission to build a temple despite initial opposition from local Muslim groups, but the temple structure has not been built because of lack of funds.

In North Sumatra, during 2008, local authorities delayed the building of a Catholic church in Langkat regency, though the church met legal requirements. In Riau province, North Sumatra, the Love Evangelical Bethel Church ceased operations because of constant intimidation by protestors. In both cases, local officials reportedly were pressured by extremists groups.

In July 2008, armed residents in Kampun Pulo District of West Jakarta attacked the Arastamar Evangelical School of Theology, known as Setia College, because they claimed students were responsible for a recent spate of petty thefts and public disturbances. The students and faculty deny these allegations. The police did not intervene during initial protests and 20 students were injured. Staff and students were evacuated to three different sites, where they continued to live and take classes. Students staged hunger strikes and peaceful rallies to protest the forced closure of their campus. On November 9, Setia College reached a settlement with the Jakarta governor's office regarding a new campus.

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 to disrupt the 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.

Religious venues are often forcibly closed because they do not have building permits. In response to persistent international and domestic criticism, the Ministry of Religion issued Joint Ministerial Decree 1/2006 to replace a previous, vaguely-worded decree that required religious groups to gain "community approval" before they could expand, renovate, or open new religious venues. Decree 1/2006 requires a religious group with a membership of more 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.

Critics of the decree claimed that it was designed to stop the proliferation of "house churches" and small Hindu temples (of fewer than 90 members). Prominent Muslim religious leaders have stated publicly that the new decree violates Article 18 of the International Covenant on Civil and Political Rights. Overall, the number of church, temple, and mosque closures declined slightly since Joint Ministerial Decree 1/2006 was issued, but the problem continues. Media attention has focused on the issue and each incident is reported internationally.

The Ministry of Religion has made efforts to establish and train provincial FKUB panels, hoping that they can mediate problems with local communities. 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 churches faced difficulties obtaining licenses, frequently due to opposition by the FKUB.

In many cases, Christian churches that meet in private homes or storefronts are denied permission to build permanent structures. In many cases, the visibility of the congregations raises community opposition, particularly if their membership grows. Five Protestant churches in North Bekasi, Jabotabek region, East Jakarta have faced vandalism and sporadic protests from the group Musholla (Cooperating Bureau of Mosques and Praying Rooms) because they meet in private homes. Although police protect the worship activities of these meeting points, local officials have refused to grant them permission to build permanent structures, despite their having met the criteria established in the 2006 decree. A similar situation occurred in South Rawa Badak, Koja region, North Jakarta. In August 2008, local officials pressured the pastor of a Protestant church to cease worship activities, despite his having received permission from the FKUB to operate the church. In July 2008, under an order from the subdistrict head, municipal police demolished the Indonesian Evangelical Prophet Church (Gekindo) in Bekasi, West Java. The church had not been operating for two years pending receiving a license from the local government.

Provincial officials are not uniformly opposed to issuing building permits to religious minorities who met 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 Tangerang, West Java, authorities issued the church a building permit. Construction of the new facility is nearly complete. In September 2009, the Administrative Court of Bandung, West Java, granted the Huria Batak Kristen Protestant Church a building permit, overturning a decision of the mayor of Depok.

Aceh & Provincial Sharia Laws

USCIRF continues to monitor the implementation of sharia in Aceh. In August 2005, the Indonesian government concluded a comprehensive peace agreement with the insurgent group Free Aceh Movement (GAM), ending a 30-year conflict that had resulted in significant human rights abuses. The agreement 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. Since the end of the civil war, sharia courts and their vice patrols, locally known as the *Wilayahul Hisbah*, have taken on a prominent public profile, enforcing dress codes and banning alcohol consumption, gambling, and unchaperoned male-female liaisons. The provincial government also enacted legislation regulating relations between members of the opposite sex, alcohol consumption, and gambling. The public caning of hundreds of individuals accused of sharia violations gained international attention.

During the April 2009 election, the political parties that won an estimated 80 percent of the vote in regional elections promised to de-emphasize the continuation of sharia in Aceh and instead to fully implement the Helsinki Peace Accords granting Aceh political autonomy.

Local non-governmental organizations (NGOs) in Aceh report that government oversight of *Wilayahul Hisbah* has improved recently, making the vice patrols less intrusive than in the past. The new provincial government also disbanded vice patrols in the city of Banda Aceh and civil courts gradually are taking up case loads previously heard in sharia courts. The incidents of public canings continue to decrease, though the vice patrols continue to publicly lecture individuals on proper dress and decorum. The State Department reports that there were no new reports of roadblocks being set up to enforce Islamic dress.

The existence of sharia in Aceh remains a 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. In January, 2010 police arrested three members of a local vice patrol for allegedly raping a 20 year old student. The woman was also reportedly beaten for wearing improper Islamic dress. A court date has not been set.

The expansion 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 syaria*, or local sharia laws, have been promulgated and enforced in the past five years. According to the International Center for Islam and Pluralism, an Indonesian think tank, half of Indonesia’s 32 provinces have enacted 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. In the past year, 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.

Recently, 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. Home Affairs Minister Mardiyanto announced that there was no need to review or overturn most sharia-inspired laws, although the Indonesian government promised to review 37 ordinances deemed discriminatory and at odds with the constitution. At this time, a review has yet to be completed.

Indonesian human rights advocates have expressed fears that local *perda syaria* ordinances are a backdoor attempt to implement sharia nationally. These laws also could threaten Indonesia’s fragile political consensus supporting pluralism, tolerance, and democracy. 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.”

U.S. Policy

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. This MOU is expected to run through July 2010.

The Obama Administration is negotiating a “comprehensive partnership” with Indonesia, formalizing relations in a number of areas of bilateral interest, including educational reform, improved public health, enhanced trade and investment, food security, and cooperation on regional security concerns, including anti-terrorism and anti-narcotics efforts. Also, in January 2010, the Indonesia-U.S. Interfaith Cooperation Forum was held in Jakarta and focused on “Building Collaborative Communities: Enhancing Cooperation among People of Different Faiths.” The first U.S. initiative of its kind, the meeting promoted multi-religious cooperation and discussed what role governments can play in this process. It is USCIRF’s belief that 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.”

Recommendations

I. Establishing a Human Rights Dialogue

As part of the 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 Ahmadiyya community, fully protect the ability of religious minority communities to freely practice in ways consistent with the Indonesian constitution and international law, and arrest or hold accountable any individual who organizes or carries out societal violence targeting the Ahmadiyya or other religious minorities;
- urging the Indonesian government to amend or repeal Article 156(a) of the Penal Code, and overturn any provincial or local laws inconsistent with Indonesia’s constitution or international human right standards, including local *perda syariah* laws such as those in Aceh;
- urging the Indonesian government to release anyone sentenced for “deviancy,” “denigrating religion,” or “blasphemy,” and ending the prosecution of those detained under Article 156(a) of the Penal Code;
- 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;
- establishing programs to support monitoring of the implementation of sharia law in Aceh and other parts of Indonesia to determine if individual rights and freedoms, including religious freedom, are being guaranteed for all citizens, and making sure that U.S. humanitarian and foreign assistance programs do not support virtue and vice patrols or sharia courts in Aceh or other municipalities in Indonesia; and
- facilitating a durable solution for IDPs in Central Sulawesi, the Malukus, 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 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 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 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) the Constitutional Court, and the Directorate General of Human Rights in the Ministry of Justice;
- 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:

- reform of the Indonesian military, including transfer to civilian control, training in international human rights standards, technical assistance in military law and tribunals;
- transfer or removal from Papua, the Malukus, 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;
- dedicated funds for training Indonesian police in counter-terrorism techniques and protecting human rights in areas of sectarian conflict, including fellowships to the International Law Enforcement Academy (ILEA) in Bangkok, Thailand and participation in UN Police training programs (UNPOL); and
- denial of U.S. assistance, training, or visas for any police or military unit or security agency personnel found to have engaged in violations of human rights.