

Indonesia - Court decision upholding “defamation of religions” law is a major setback

Sunday 2 May 2010, by [Article 19](#) (Date first published: 2 May 2010).

Dr. Agnes Callamard, Executive Director of ARTICLE 19, said that the decision to uphold defamation of religions law is a real setback to freedom of expression and other fundamental human rights in Indonesia which has, since the fall of President Suharto, seen notable progress. Continue to read the statement below by ARTICLE 19:

On Monday 19 April, Indonesia’s Constitutional Court upheld the country’s controversial laws on “defamation of religions” or blasphemy. The legal provisions, which impose criminal penalties of up to five years’ imprisonment on individuals or groups that “deviate” from the basic teachings of the official religions, seriously threaten the rights to freedom of expression and freedom of thought, conscience and religion in Indonesia, especially in relation to minority groups.

“This decision is a real setback to freedom of expression and other fundamental human rights in Indonesia which has, since the fall of President Suharto, seen notable progress. Instead of protecting minority groups from discrimination, the court’s decision will encourage hard-line religious groups to continue to attack them,” says Dr. Agnes Callamard, Executive Director of ARTICLE 19.

On 11 March ARTICLE 19, Amnesty International, the Cairo Institute for Human Rights Studies and the Egyptian Initiative for Personal Rights filed an amicus curiae brief with the Court in support of repealing the laws.

The decision to file the amicus was motivated by concern for the human rights situation of religious minorities in Indonesia, who have been targeted for a range of human rights abuses by both state and non-state actors. At least 11 people have been sentenced to terms of imprisonment of between six months and four years for, in whole or in part, having violated legal provisions pertaining to blasphemy in the last two years.

“The legislation continues to be used to imprison people for long periods of time, simply for having practiced their religion openly. At the same time those who attack minority religious groups such as the Ahmaddiyya community have for the most part gone unpunished,” says Sam Zarifi, Amnesty International’s Asia-Pacific Director.

The law on defamation of religions was most recently used in 2008 when the government issued a joint ministerial decree forbidding the Ahmadiyya, a religious group who consider themselves a part of Islam, from “conveying, endorsing or attempting to gain public support” for their religious beliefs. The Ahmadiyya claim 200,000 followers in Indonesia. They have come under attack by various groups in recent years because some groups view them as heretical. In December 2009, a group of residents, some claiming to be members of the Islamic Defenders Front (FPI), raided a house in

Tebet, South Jakarta while members of the Ahmadiyya community held Friday prayers. According to witnesses, the police did nothing to stop the attackers and instead detained six Ahmadiyya “for their protection”.

A coalition of human rights activists, civil society organizations and prominent figures, including the late former President Abdurrahman “Gus Dur” Wahid and progressive Islamic scholar Siti Musdah Mulia, petitioned the Constitutional Court, arguing that the 1965 law contravenes religious freedom as guaranteed by the Constitution of Indonesia.

The organizations will continue supporting those who defend the rights to freedom of expression and freedom of thought, conscience and religion in Indonesia and worldwide.

P.S.

* From <http://www.siawi.org/article1915.html>