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USCIRF STATUS: Tier 2

BOTTOM LINE: The country's rich tradition of religious tolerance and pluralism is threatened by the arrests of individuals considered religiously deviant and by the violence of extremist groups like the Islamic Defenders Front (FPI) targeting Ahmadiyya, Christians, Shi'a, and Hindus. Federal and provincial officials, police, courts, and religious leaders often tolerate and abet the activities of FPI and other religious freedom abusers.

Indonesia is a stable and robust democracy with political institutions able to advance and protect human rights. In recent years, however, the country's traditions of religious tolerance and pluralism have been strained by ongoing sectarian tensions, societal violence, and the arrest of individuals considered religiously "deviant." While the government has addressed past sectarian violence and effectively curtailed terrorist networks, religious minorities continue to experience intimidation, discrimination, and violence. The Indonesian government, including the local police, provincial officials and the courts, often tolerates activities of extremist groups, fails to enforce national laws protecting religious minorities, and issues lenient sentences to individuals arrested for engaging in violence. In addition, national laws and provincial decrees have led to serious abuses of the freedom of thought, conscience, and religion or belief, including destruction or forced closure of religious venues and imprisonment of individuals accused of blasphemy or "deviant" religious teachings. Based on these ongoing concerns, USCIRF places Indonesia on Tier 2. Indonesia had been on USCIRF's Watch List since 2001.

BACKGROUND

The majority of Indonesia's diverse religious communities operate openly and with few restrictions, particularly the six recognized religious groups (Islam, Buddhism, Hinduism, Catholicism, Protestantism, and Confucianism). Indonesia's vibrant media allows for a free market of religious

ideas and publications, including the presence of popular religious television personalities from many different faith traditions. Indonesian law does not prohibit changing one's religion, though it does prohibit proselytizing to members of other recognized groups.

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 piety. The wearing of traditional forms 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.

Christians represent an estimated 10%-12% of Indonesia's population. Christian groups in Indonesia also report a surge in attendance and adherence in recent years. This apparent growth is an ongoing source of contention, particularly in areas that historically were devoid of non-Muslim religious minorities. Hindus, mostly practicing on the island of Bali, are an estimated 3% of the population, and Buddhists, Confucionists, and adherents of local religious traditions make up another 2%. The State Department estimates approximately 200,000-400,000 persons belonging to the Ahmadiyya interpretation of Islam. There may be as many as 50-60 million members of religious minorities in Indonesia.

RELIGIOUS FREEDOM CONDITIONS

Religiously-Motivated Extremist Organizations: Over the past fifteen years, Indonesia has experienced a growth in political groups, terrorist networks, and extremist militia groups that have stoked religious tensions, sectarian conflict, societal violence, and intimidation and discrimination against religious minorities, resulting in severe and ongoing violations of religious freedom and related human rights.

Though the influence of these groups – which include the Islamic Defender Front (FPI) and dozens of other similar groups – far exceeds their size or electoral appeal, sympathetic police and government officials too often tolerate their activities. In some parts of Indonesia, a culture of impunity exists in which extremist groups operate with few consequences, harassing places of worship, extorting protection money from religious minorities, pressuring local officials and judges to detain and restrict allegedly heterodox individuals, and recruiting potential members for terrorist activities. Observers note these actions threaten religious freedom, as well as Indonesia's tradition of tolerant pluralism and its democratic future.

In the past year, both governmental action and societal violence led to the death of a Shi'i follower, the forced closure of Christian churches and Ahmadiyya mosques, and the imprisonment of individuals practicing allegedly heterodox versions of Islam or spreading atheism. Individuals who killed Ahmadiyya Muslims during a February 2011 mob attack were released from prison after serving light sentences of five to seven months. Police and local officials sometimes intervene to prevent property destruction and arrest individuals responsible for violence. However, the uneven response and inconsistent punishments have not deterred attacks and foster fear and uncertainty in religious minority communities, particularly in West Java, South Sumatra, South Sulawesi, Lombok, and parts of East Java. According to Indonesia's Setara Institute, which monitors religious

freedom and the activities of Islamists militants, there were 264 cases of attacks against religious minorities in 2012, a slight increase from the previous year.

President Susilo Bambang Yudhoyono has publicly supported religious tolerance and pluralism and promised to protect religious minorities and hold perpetrators of sectarian violence accountable. His government has also taken an active role in counter-terrorism efforts, effectively disrupting many terrorist cells engaged in ongoing attempts to stoke sectarian violence. Nevertheless, the Yudhoyono government supported the 2008 decree "freezing" Ahmadiyya activities, refused to intervene when provinces of West Java and South Sulawesi banned Ahmadiyya activity, and has not enforced a Supreme Court decision to re-open closed churches, such as the GKI Yasim church in Bogor, West Java. Moreover, in September 2012, President Yudhoyono called for an international instrument to prosecute "religious blasphemy," seeking to globalize an approach that has sent over a hundred people to jail in Indonesia over the past seven years.

Members of the President's cabinet sometimes send mixed messages on religious freedom. His Minister of Religious Affairs, Suryadharma Ali, publicly supported provincial bans on Ahmadiyya and stated that the "solution" to religious intolerance in Indonesia was the conversion of Ahmadiyya and Shi'a to the dominant form of Sunni Islam. However, the Coordinating Minister for Political, Legal and Security Affairs, Djoko Suyanto, stated that an outright ban of the Ahmadiyya was "unconstitutional" and Home Affairs Minister Gamawan Fauzi has said FPI and other "archaic" and "violent mass organizations" should be disbanded.

Religiously-motivated extremist organizations, though a clear political and religious minority, have outsized societal influence because they are able to organize large public demonstrations and have advocates in influential political, military, and religious circles, particularly in the government-supported Indonesian Ulema Council (MUI) and the Attorney General's religion advisory group (*Bakor Pacem*). With Indonesian parliamentary and presidential elections slated for 2014, issues of religion and state, the protection of religious minorities, and the importance of tolerance and religious freedom will engender additional debate and potentially more sectarian conflict in the year ahead.

Restrictions and Societal Violence Targeting the Ahmadiyya: Since the 2008 Joint Ministerial decree "freezing" Ahmadiyya religious activity and banning them from proselytizing under threat of five-year prison sentences, at least 60 Ahmadiyya mosques were vandalized, 42 mosques forcibly closed, and three Ahmadiyya followers killed in mob violence. Ahmadiyya are reportedly allowed to gather for private worship in most parts of the country, but in some parts of East and West Java, South Sulawesi, and Lombok provinces, extremist groups consider any visible Ahmadiyya activity as proselytizing and pressure local officials to close places of worship. The governors of East Java, West Java, and South Sulawesi have banned public Ahmadiyya practice by decree.

During the reporting period, FPI leaders and government officials in West Java cited local ordinances to justify attacks on or closures of Ahmadiyya mosques. In April 2012, a mob of 150 destroyed part of an Ahmadiyya mosque in Singaparna, West Java. Police were outnumbered and did not stop the vandals. In July 2012, a mob attacked an Ahmadiyya compound in Cisalada village, West Java, causing injury and property damage. Local government officials reportedly later forced Ahmadiyya leaders to publicly apologize for angering the community. In October 2012, an FPI group attacked and destroyed the An Nasir mosque in Bandung, West Java. Police later arrested one person for the mob attack, who was given a three-month sentence.

Hasan Suwandi, a guardian of the Ahmadiyya Cipeuyeum mosque in Cianjur, West Java, was given a two year sentence for "criminal defamation." He was arrested in 2012 for saying publicly that the local police chief had given permission for an Ahmadiyya mosque to be reopened.

Indonesian non-governmental organizations (NGOs) and media continue to report the involvement of Indonesian military officials (TNI) in discussions with Ahmadiyya leaders in West Java. TNI officers reportedly offer to cancel debts of Ahmadiyya who renounce their faith.

Forced Closure and Vandalism of Religious Minorities' Properties: During the reporting period, extremist groups and local government officials denied permits, forcibly closed, sanctioned protests at, or vandalized venues of religious minority groups other than Ahmadiyya. Most cases were reported in West Java, with others in East Java, West Lombok, West Sumatra, Aceh, and Madura, involving Christian, Buddhist, and Shi'i Muslim facilities.

Religious leaders and human rights advocates continue to blame conflicts over religious properties on the Revised Joint Ministerial Decree on the Construction of Houses of Worship (2006). The difficulties and delays inherent in getting building and worship permits provide FPI and other extremist groups a pretext for vandalism, intimidation, and pressuring local officials to revoke or delay permissions. The decree mandates that religious groups obtain the signatures of at least 90 congregation members and 60 area residents on an application, as well as approval from both a local religious "harmony" board and the local government.

The city of Bekasi, West Java, continues to be flashpoint of conflict between Christian churches and the local government. In February 2012, the Batak Protestant Church Kaliabang (HKBP), the Merciful Christ Church of Indonesia (GKRI), and a Pentecostal Church in Indonesia (GPdI) were closed, allegedly for lack of required permits. Two of the churches had met the requirements of the 2006 Decree and submitted applications to the city government. In May 2012, a mob threw bags of urine and feces at members of the Philadelphia Batak Christian Protestant Church. There continue to be weekly protests at this church site.

In March 2012, authorities and police raided and forcibly closed down construction of St. Ignatius Church in Padang, West Sumatra, citing opposition from Muslim residents. After church leaders threaten to sue, authorities allowed church members to meet at the site. Also in March 2012, gunmen attacked a church in Indramayu, West Java. There were no injuries. Police do offer protection during Sunday worship services there. In April 2012, authorities in Tangerang, Banten province, closed down a small Pentecostal church after FPI members twice attacked it and threatened its pastor.

The situation of the GKI Yasim Church of Bogor, West Java has gained international attention. Despite a January 2011 Indonesian Supreme Court decision and a ruling by the National Ombudsman favoring the church, Bogor city officials continue to deny it a building permit and have sealed the church. In February 2012, President Yudhoyono refused to enforce the Supreme Court ruling, citing Indonesia's regional autonomy law, and instructed the Ministry of Religious Affairs to assist in finding a local solution so that "worship may be held at the church." The Minister of Religious Affairs has proposed a separate site for the church, a solution rejected by church leadership.

New Violence and Abuses Targeting Shi'i Muslims: There has been a noticeable increase in violence targeting Shi'a in East Java during the past reporting year. Tensions between Sunni religious leaders and officials and the small Shi'i communities have been rising for several years, particularly in the province of Madura. Violence has escalated because government officials, including the Religious Affairs Minister, and government-supported religious institutions, such as the MUI and *Bakor Pacem*, have started to label Shi'i teachings as "heresy."

In January 2012, looters attacked and burned the homes and shops of Shi'i families in Sampang, Madura province. At least 500 Shi'a were displaced to a local sports pavilion where they were reportedly asked to sign statements saying they would "return to the right path" of Sunni Islam before receiving humanitarian assistance. Police detained one suspect in the attack and the East Javan governor promised to restore and protect Shi'i properties. In August 2012, a mob again attacked the same Shi'i village, burning down the remaining homes, killing one man, and injuring another. Police officers at the scene did not intervene to stop the attack and no arrests have been made.

In January 2012, police arrested Tajul Muluk, a Shi'i cleric, after a local MUI fatwa declared his teachings to be "deviant." In July 2012, Muluk was sentenced to two years' imprisonment for blasphemy under Article 156(a) of the criminal code.

Enforcement of the Law against "Deviancy" and Arrests of Religious Minorities: In the past year, local authorities continued to enforce Indonesia's "deviancy" or blasphemy law (Article 156(a) of the criminal code), which punishes "hostility, hatred or contempt against religions" or "disgracing a religion" with up to five years in jail. According to Indonesian think tanks tracking human rights, the use of the deviancy law has increased over the past decade. Since 2003, over 150 individuals have been detained and dozens of others sentenced under Article 156(a).

In March 2012, Andreas Guntur, the leader of the spiritual group *Amanat Keagungan Ilahi*, was sentenced to four years' imprisonment for blasphemy, allegedly because of his heterodox Islamic teachings. In February 2012, Alexander Aan, a civil servant in West Sumatra, was arrested on charges of blasphemy for starting a Facebook page advocating atheism. A Sijunjung district court in West Sumatra gave him a two-year sentence for "incitement," allegedly because a local FPI group attacked and beat Aan for his Facebook postings. Aan's lawyers are attempting to take his case to the Supreme Court.

Two Baha'i members remain in prison in East Lampung, East Java. They were accused of "trying to convert" Muslim children after they offered classes that taught moral virtues drawn from the Baha'i faith to neighborhood children. They were sentenced under Indonesia's law prohibiting proselytizing of minors, which was used in 2005 to imprison three Christian women who ran a daycare center.

Issues in Aceh Province: The Aceh provincial government continues to implement Presidential Decree 11/2003, which allowed the province to implement a local interpretation of Shari'ah law, establish Shari'ah courts, and operate a vice patrol, known as *Wilayatul Hisbah* (WH). Christians and other non-Muslims are exempted. WH patrols continue to enforce dress codes and bans on alcohol consumption, gambling, and unchaperoned male-female liaisons (seclusion) with punishments including canings and fines. Government oversight of WH forces has improved, and WH members have been sentenced for raping a woman detained for a dress code violation.

Nonetheless, WH patrols continue to enforce dress code and seclusion laws, and women are the majority of those fined and detained. In the past reporting year, WH members continued to target the "punk" youth subculture, detaining suspects, breaking up concerts, and shaving spiked hair.

In the past year, groups similar to FPI have attacked Christian churches in Aceh and convinced local authorities to close 29 churches and 5 Buddhist temples. Between March and May 2012, under threat of mob violence, authorities closed 20 Protestant house churches and four Catholic Churches in the Singkil regency of Aceh. Ten Protestant churches belonging to the ethnic minority group Pakpak Dairi were closed and another attacked with a firebomb. One of the closed Catholic churches, the Napagaluh Catholic Church of St. Paul in the village of Lae Balno, Singkil regency, had been operating since 1974 without incident. In October 2012, the Deputy Mayor of Banda Aceh, the provincial capital, closed nine churches and five Buddhist temples because they did not have required permits, despite having registered with the Indonesian Religious Ministry and submitted applications for permits. The Deputy Mayor cited a 1979 agreement between Muslims and Christians in Aceh that stated that only one church would be built per district. Home Minister Gamawan Fauzi defended the decision of the Aceh local administration, saying that the buildings did not have the required permits.

In November 2012, Acehnese villagers attacked an allegedly "heretical" Muslim sect in Bireuen, Aceh, targeting the house of Muslim teacher Tengku Aiyub Syakuban, who was killed in the attack along with one of his students. No villager was arrested for taking part in the attack.

RECOMMENDATIONS FOR U.S. POLICY

As part of the U.S.-Indonesia Comprehensive Partnership and Counterterrorism Cooperation efforts, the

U.S. government should:

- create a regular bilateral mechanism to discuss the protection and promotion of religious freedom and related human rights and in those discussions, urge the Indonesian government to:
 - overturn the Joint Ministerial Decree on the Ahmadiyya community and any provincial bans on Ahmadiyya religious practice, fully protect the rights of religious minorities under the Indonesian constitution and international law, and hold accountable any individual who organizes or carries out violence targeting the Ahmadiyya or other religious minorities;
 - 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); and
 - amend the Joint Ministerial Decree No. 1/2006 (Regulation on Building Houses of Worship) to comply with the Indonesian constitution and international standards, remove any restrictive barriers on building and refurbishing places of worship, provide 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;

- prioritize programs that support religious and civil society groups that promote religious freedom, counter extremism, teach tolerance, and build interfaith alliances, including by:
 - expanding the capacity, training, and reporting ability of human rights defenders;
 - training members of provincial Joint Forums for Religious Tolerance (FKUBs) to mediate sectarian disputes in ways consistent with Indonesia's national and international religious freedom commitments; and
 - training and building capacity for legal reform advocates, governmental judicial officials and judges, and legal and human rights organizations; and
- train Indonesian police and counter-terrorism officials to address sectarian conflict and religiously-related violence through practices consistent with international human rights standards, while ensuring any officers participating in such programs have not been implicated in abuses and deny any funding, training, or U.S. visas to any police or security agency personnel found to have engaged in violations of human rights.