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INDONESIA : FREEDOM OF BELIEF FOR AHMADI MUSLIMS IN INDONESIA

Join submission :

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International Human Rights Committee (IHRC)



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CAP Liberté de Conscience is a secular European created in 1995 and dedicated to protect the Right of Freedom of Religion and Belief. We combats all forms of discrimination based on religion or belief by alerting European and International bodies. We collects testimonies of discrimination and human rights violations affecting religious or belief communities in order to disseminate them to international bodies, and in order to raise awareness and inform them as well as to generate debate on the protection of Freedom of Religion and Belief. We also advocates for any religious or spiritual group facing discrimination to have their right to Freedom of Religion and Belief recognized.



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The International Human Rights Committee (IHRC) is a non-profit and non-governmental organisation focusing on freedom of religion or belief. The IHRC has specific expertise and experience of working with marginalised religious groups and advocating their precarious position to bring about effective change so that they can enjoy the

same rights as other citizens

I. INTRODUCTION

1. The Ahmadiyya Muslim Community (“AMC”) firmly adheres to Islam. Ahmadi Muslims believe that the founder of their Community, Hadhrat Mirza Ghulam Ahmad of Qadian, India,

was a subordinate non-law bearing prophet who claimed to be the same messiah and reformer foretold by Prophet Muhammad and awaited by all Muslims. An estimated 400,000 Ahmadi Muslims currently live in Indonesia.¹

2. The state-sponsored persecution that Ahmadi Muslims face in Indonesia stems from the assertion by some Muslims sects and ulema that Ahmadis are not Muslim. Ahmadis firmly believe that they are Muslim and fall within the pale of Islam.

3. In February, 2006, Indonesia took a positive step to ratify both the ICCPR and ICESCR. Very little progress, however, has been made to respect, protect and fulfill the rights of Ahmadi Muslims in Indonesia. As a result of institutionalized persecution and targeted violence perpetrated by extremist quasi-state and non-state actors who act with impunity, Indonesia has failed in its duty to live up to its international human rights obligations.

II. ISSUES OF CONCERN SINCE PREVIOUS UPR REVIEW

A. 2008 JOINT MINISTERIAL DECREE ESTABLISHED LEGAL RESTRICTIONS ON FREEDOM OF BELIEF FOR AHMADI MUSLIMS IN INDONESIA

4. On September 21, 2017, in addressing the 72nd United Nations General Assembly, Indonesia's Vice President Jusuf Kalla described religious toleration in Indonesia as "better than in other countries" and even as a model "for other countries . . ." In turn, Human Rights Watch staff in Indonesia described his words as "fantasy" reflecting "the government's willful disregard of both the corrosive influence of discriminatory laws that pose a clear threat to the country's religious minorities, as well as official actions to reinforce those laws."²

5. One such blatantly discriminatory law is the 2008 Joint Ministerial Decree which ordered all Ahmadis "to discontinue the promulgation of interpretations and activities that are deviant from the principle teachings of Islam" and made the spreading of the Ahmadi faith a crime punishable by up to five years in prison.³

6. This joint ministerial decree is in clear violation of Article 18 of the ICCPR, which states that "[t]he freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts . . . including the building of places of worship, the use of ritual formulae and objects, the display of symbols . . . [and] the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications."⁴

1NATALEGAWA, ANDREYKA. "For Ahmadiyah in Indonesia, Persecution Remains Unaddressed." *Jakarta Globe*, 22 July 2015, <https://jakartaglobe.id/news/persecution-of-ahmadi-muslims-in-indonesia-remains-unaddressed/>.

2Paul Marshall (2018) The Ambiguities of Religious Freedom in Indonesia, *The Review of Faith & International Affairs*, 16:1, 85-96, DOI: 10.1080/15570274.2018.1433588

3Id.

4International Covenant on Civil and Political Rights: United Nations, Treaty Series, vol. 999, p. 171

7. This decree has perpetuated violence against members of the Ahmadi Muslim community and is often used as a justification for radical rhetoric against the community as well as a tool for local officials to create further discriminatory policies at the state and provincial levels. There are over 40 local policies that discriminate against the members of the Ahmadi faith and reference the 2008 Joint Ministerial Decree—since April of 2021 there have been nine new discriminatory policies established that target members of the Ahmadiyya Muslim Community in the West Kalimantan region alone.⁵

8. UN human rights mechanisms have continued to express concern over the 2008 Joint Ministerial Decree and its effects on members of the Ahmadi Muslim faith. As early as in May of 2008, the Committee Against Torture (CAT) expressed its concern at incitement and acts of violence against persons belonging to minorities, in particular the Ahmadiyya Muslim Community and other minority religious communities. There were persistent, disturbing allegations of a routine failure to investigate such violence and the reluctance on the part of the police and authorities to provide the Ahmadiyya Muslim Community with adequate protection or to conduct prompt, impartial and effective investigations into such acts.⁶

9. In April 2008, the Special Rapporteur on freedom of religion stated that a ban on the Ahmadiyya Muslim Community in Indonesia might increase the risk of attacks on Ahmadiyya Muslims by vigilante groups. Replying to a communication following the issuance of the Joint Ministerial Decree in June 2008 regarding members of the Ahmadiyya Muslim Community in Indonesia, the Government recalled that Indonesia prided itself on its harmonious mosaic of diverse communities living together and practicing several religions of their choice, as long as their religious practices did not impinge on public order and the well-being of society as a whole. In February 2011, four special procedures communicated their concern at increased attacks against the Ahmadiyya Muslim Community over the previous year.⁷ Despite this ongoing communications, Indonesia has failed to repeal the 2008 decree which continues to be a source of state sponsored persecution for the Ahmadiyya Muslim Community.

B. THE QUASI-GOVERNMENTAL INDONESIAN COUNSEL OF ULEMA (MUI) HAS DECLARED AHMADI MUSLIMS AS “DEVIANT” AND HERETICAL TO ISLAM—PERPETUATING VIOLENCE AGAINST THE COMMUNITY

10. The Indonesian Counsel of Ulama (MUI) was established on 26 July 1975. Many factors underpinned the creation of the MUI and one of them was Former President Suharto’s personal idea of creating “a single forum” that could accommodate the various interests and agendas of Muslim organisations in Indonesia. This notion is expressed in the basic statute of the MUI, which describes the Council of Indonesian Ulama as a wadah (forum) for consultation among Muslim leaders and scholars.⁸

⁵Regus, Max, et al. “The Indonesian Ahmadis: No Place for Praying.” *LSE Human Rights*, 6 July 2017, <https://blogs.lse.ac.uk/humanrights/2017/06/12/the-indonesian-ahmadis-no-place-for-praying/>.

⁶ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/119/37/PDF/G1211937.pdf?OpenElement> 71d.

11. The MUI has the following main tasks. The first is to provide advice and recommendations, solicited or not, to the government of Indonesia. The second is to offer moral guidance to Indonesian Muslim society in general. The MUI does this by publishing a monthly magazine called *Mimbar Ulama*, several books of compiled fatwas, booklets, and leaflets.⁹

12. Over the years, the MUI has become increasingly fundamentalist and dogmatic in nature. Numerous scholars have suggested that the oppression of Ahmadi Muslims in Indonesia began with the MUI 1980 fatwa opining Ahmadi Muslims as non-Muslim which was furthered with a 2005 fatwa which once again declared Ahmadi Muslims as outside the bounds of Islam.¹⁰

13. There is confusion about the MUI's role and authority. In 2017, President Jokowi has had to warn that MUI edicts are not government laws or regulations and that the police have no authority to enforce them.¹¹ Nevertheless, the 1980 fatwa often used as a "legal" basis for attacks on Ahmadi Muslim communities such as those in East Lombok in 1983, West Lombok in 2000 and 2001, and Kuningan, West Java in 2002, it would be hard to not come to the conclusion that MUI, despite its protestations of being against violence, was effectively encouraging other groups to use violence.¹²

14. In most cases, those who commit acts of violence against the Ahmadi Muslims are not punished and there is a tendency by the authorities to blame the minority for "deviant views" per the MUI's fatwa. In 2011, three members of the community were brutally murdered by a mob of extremists. The victims were found with multiple injuries including stab wounds and lacerations. At least five others were seriously injured. The mob also destroyed the house, as well as vehicles parked around it. The killings occurred when reportedly over 1,000 people wielding rocks, machetes, swords and spears stormed the house of a leader from the Ahmadiyya minority faith in the sub-district of Cikeusik, Banten province on February 6, 2011.¹³ Footage of the bludgeoning of their naked bodies, while policemen watched on, was posted on [YouTube](#) and subsequently broadcast on international media, gaining widespread public attention. Despite this, Judges at [Serang District](#) court sentenced an Ahmadi Muslim victim of the Cikeusik

8Hasyim, Syafiq, "The Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI) and Religious Freedom," *Irasec's Discussion Papers*, No. 12, December 2011, www.irasec.com
9Id.

10See; Budiwanti, E. (2009). *Pluralism Collapse: A Study of Jama'ah Ahmadiyah Indonesia and its Persecution*. Singapore: Asia Research Institute; Burhani, A.N. (2013). "Treating minorities with fatwas: a study of the Ahmadiyya community in Indonesia", on *Contemporary Islam*, Nov. 2013; Hicks, Jacqueline,. (2013, 20 January). "Heresy and authority: Understanding the turn against Ahmadiyah in Indonesia" from <http://ssrn.com/abstract=2263855>; Platzdasch, B. (2011). "Religious Freedom in Indonesia: The Case of Ahmadiyah". *SEAS Working Paper: Politics and Security Series*, No.2, 2011; Susanti, R. (2008). *When Human Rights become So Political : State-Islam Relations and Its Impact on the Ahmadiyya Community in Indonesia*. Thesis. The Hague: Institute of Social Studies

11Ramadhani, Nurul Fitri, and Haeril Halim. 2016. "Police Told to Resist Undue Influence of MUI," *Jakarta Post*, December 20. Accessed December 21, 2017. <http://www.thejakartapost.com/news/2016/12/20/police-told-to-resist-undue-influence-of-mui.html>.

12<https://www.refworld.org/pdfid/4b6fe1e82.pdf>

13"Indonesian Authorities Must Investigate Ahmadiyya Killings." *Amnesty International*, 23 June 2021, <https://www.amnesty.org/en/latest/news/2011/02/indonesian-authorities-must-investigate-ahmadiyya-killings/>.

attack, for not obeying the police instruction to "leave the house," to six months imprisonment. In contrast to this, the sentences given to the leading attackers, who murdered 3 Ahmadi Muslims, were between three and six months.¹⁴

C. DESTRUCTION OF AHMADI MUSLIM MOSQUES & PROHIBITION ON BUILDING NEW PLACES OF WORSHIP

15. Despite numerous recommendations from over ten different States to review national and provincial laws during Indonesia's UPR in the 3rd cycle, the nation has made little progress in reforming these systemic violations of freedom of religion.¹⁵ For example, Canada recommended Indonesia "take strong coordinating measures to protect the right to freedom of religion or belief, including by ensuring that all district and provincial laws and regulations align with the Constitution and international human rights obligations of Indonesia," while the Netherlands recommended further "necessary measures to protect freedom of religion and belief for persons belonging to all religious groups, including by protecting persons belonging to religious minorities from violence and persecution."¹⁶

16. One such discriminatory piece of legislation is the 2006 Joint Regulation on houses of worship which remains an ongoing and systemic barrier to the religious freedom of minority communities, requiring at least 90 congregation members and approval from 60 local households of other religions in order for a house of worship to be constructed. In March 2020, a group of petitioners referred to as the "People's Lawsuit Presidium" requested that the Supreme Court review the regulation, but the request made no subsequent progress. Thereafter, in March and April, two mosques belonging to the Indonesian Ahmadiyya Congregation (JAI) were sealed from use.¹⁷

17. In light of the 2006 Joint Regulation on houses of worship Indonesian authorities have closed approximately 100 Ahmadi mosques and have failed to properly investigate the destruction of several others.¹⁸ This 2006 joint regulation is in clear violation of Article 18 of the ICCPR, which states that "[t]he freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts . . . including the building of places of worship..."¹⁹

18. Numerous civil society organizations highlighted this issue during Indonesia's UPR in the 3rd cycle. The Lutheran World Federation emphasized that a number of regulations and policies which restrict and undermine the right to freedom of religion or belief continued to be maintained

14The Jakarta Post, Jakarta | Headlines | Fri. "Cikeusik Verdict 'Chilling' Message to Minorities." *Cikeusik Verdict 'Chilling' Message to Minorities* | *The Jakarta Post*, 29 July 2011, <https://web.archive.org/web/20121012131741/http://www.thejakartapost.com/news/2011/07/29/cikeusik-verdict-%E2%80%98chilling%E2%80%99-message-minorities.html>.

15See UPR Recommendation Matrix

16Source of position: A/HRC/36/7 - Para. 139

17<https://www.uscirf.gov/sites/default/files/2021-05/Indonesia%20Chapter%20AR2021.pdf>

18Paul Marshall (2018) The Ambiguities of Religious Freedom in Indonesia, *The Review of Faith & International Affairs*, 16:1, 85-96, DOI: 10.1080/15570274.2018.1433588

19 International Covenant on Civil and Political Rights: United Nations, Treaty Series, vol. 999, p. 171

while Christian Solidarity Worldwide expressed concern about the continuing violations of freedom of religion or belief arising from the 2006 Joint Regulation of the Minister of Religious Affairs and the Minister of Home Affairs No. 8 and 9/2006, on the construction of places of worship, the 2008 Joint Decree of the Minister of Religious Affairs, and the Attorney General and the Minister of Home Affairs restricting the activities of the Ahmadiyya Muslim community.²⁰ Since these recommendations during the last UPR cycle, no progress has been made to amend these discriminatory policies and 14 mosques still remain sealed.

D. BANS ON LITERATURE BELONGING TO THE AHMADIYYA MUSLIM COMMUNITY

19. In 1963, President Sukarno issued a decree, PP no.4/1963, requiring publishers to submit copies of all books to their local prosecutor's office within forty-eight hours of publication. The decree vested the attorney general with broad power to criminalize possession and seize all copies of works which "could disturb public order."²¹

20. This decree along with the MUI fatwa has been used on numerous occasions to halt the import of books belonging to the Ahmadi Muslim Community. In March of 2018, Soekarno Hatta Customs prevented the import of books sourced from the Community's founding headquarters in Qadian India—customs cited presidential decree no.4/1963 as their basis for doing so.

21. Organizers of an Exhibition prevented the distribution of Ahmadi literature throughout various provinces. In November of 2018, the organizers in the West Java province of Indonesia prevented the community from participating in the University of Indonesia's Islamic Book Fair Exhibition. In January 2019 a mass demonstration forced the Community to halt a book launch held at their mosque in Bandung, West Java. Officials cited Governor's Regulation No.12 of 2011 which established a prohibition on Ahmadiyya Islam in West Java as legal grounds to censor the community and halt the event.²²

E. LACK OF ADEQUATE HOUSING FOR MEMBERS OF THE COMMUNITY WHOSE HOMES WERE DESTROYED BY INDONESIAN MILITANTS

22. On February 4, 2006, a local religious leader incited a mob in the hamlet of Ketapang, West Lombok sub-district, to attack houses belonging to the Ahmadiyya Muslim Community. This was the second attack in a five month period. The mob carried machetes, threw stones at

²⁰https://www.upr-info.org/sites/default/files/document/indonesia/session_27_-_may_2017/js14_upr27_idn_e_main.pdf; https://www.upr-info.org/sites/default/files/document/indonesia/session_27_-_may_2017/csw_upr27_idn_e_main.pdf

²¹<https://www.thepersecution.org/world/indonesia/08/04/hrw24.html>

²²Bandung Kiwari. "Massa Bubarkan Peluncuran Dan Bedah Buku Jemaah Ahmadiyah Di Bandung." *Kumparan*, Kumparan, 14 Mar. 2019, <https://kumparan.com/bandungkiwari/massa-bubarkan-peluncuran-dan-bedah-buku-jemaah-ahmadiyah-di-bandung-1546683166101028089>.

the houses and set them alight with petrol. At least 24 houses were completely or partially burnt while most of the Ahmadiyya's personal possessions were either destroyed or stolen. While dozens of police at the scene did not stop the attacks, they did manage to evacuate the 33 Ahmadi families. They were eventually transferred to the Wisma Transito (transit center) building in Mataram, the capital city of Lombok.²³

23. Sixteen years after the attacks, the displaced families - about 90 people - are still living in temporary accommodation and have been unable to return to their hamlet to rebuild their lives. An Amnesty International delegation who visited them at the Wisma Transito shelter in Mataram, Lombok in March 2010 found them living in three 20-by-8-meter dormitories, where rooms for each family are only three meters each and are divided by banners and sarongs tied up with plastic string.²⁴

III. RECOMMENDATIONS TO INDONESIAN GOVERNMENT

- A.** Review and revoke the 2008 Joint Ministerial Decree, which effectively criminalizes Ahmadi Muslims for practicing and propagating their faith.
- B.** Take all necessary steps to prevent the MUI from violating the rights of Ahmadi Muslims including preventing the MUI from issuing discriminatory edicts which directly or indirectly infringe upon the rights of Ahmadi Muslims and/or incite or facilitate the religious persecution against Ahmadi Muslims. Further, publicly declare that MUI edicts do not contribute a source of Indonesian law, nor do they carry the force of law or impose legal right or obligation of any sort.
- C.** Reopen the 14 Ahmadi Mosques that remain sealed throughout the country and make efforts to safeguard Ahmadi places of worship.
- D.** Provide proper housing for the Ahmadi refugees forced to flee their village after the 2006 militant attacks. The refugees currently reside in the Transito Mataram Dormitory and the former Praya Hospital, West Nusa Tenggara Province and have been unhoused for 16 years.
- E.** Take all necessary steps to fulfill the rights of Ahmadi Muslims including ensuring the police fulfill their duties to prevent attacks on Ahmadi Muslims by non-state actors and protect Ahmadi Muslims in the event of such attacks.
- F.** Fulfill its obligations under Article 6 of the ICCPR on the right to life by not only ensuring equality before the law but also upholding the rule of law, including

23<https://www.amnesty.org/en/wp-content/uploads/2021/07/asa210102010en.pdf>

24<https://www.amnesty.org/en/wp-content/uploads/2021/07/asa210102010en.pdf>

arrests, investigations, prosecution, and proper sentencing in the event of an attack such as the 2011 attack which killed 3 Ahmadi Muslims.

IV. CONCLUSION

24. Government sanctioned hate-mongering of the Ahmadi Muslim community in Indonesia continues. In January 2020, Ade Munawaroh Yasin, the regent of Bogor, West Java, issued a letter with the support of local Islamists stating that Ahmadiyya Islam was illegal in Bogor.²⁵

25. The U.S. Commission on International Religious Freedom (USCIRF) has recommended to include Indonesia on the U.S. Department of State's Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA), much in part due to its ongoing and documented intolerance of the Ahmadiyya Muslim Community.²⁶

26. Indonesia is in fundamental breach of its obligations under international law, in particular the ICCPR. There is no justification for the continued regime of religio-political discrimination against Ahmadi Muslims.

²⁵<https://www.uscirf.gov/sites/default/files/2021-05/Indonesia%20Chapter%20AR2021.pdf>

²⁶ <https://www.uscirf.gov/sites/default/files/2021-05/Indonesia%20Chapter%20AR2021.pdf>