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AMBASSADOR / PERMANENT REPRESENTATIVE
OF THE REPUBLIC OF INDONESIA TO THE UNITED NATIONS,
WORLD TRADE ORGANIZATION AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

No.14/POLII/II/2018

Geneva, 27 February 2018

Dear Special Procedure Mandate Holders (SPMHs),

I would like to acknowledge receipt of your Joint Urgent Appeal with reference no. UA IDN 1/2018 dated 12 February 2018 sent by 1) the Working Group (WG) on Arbitrary Detention; 2) the Special Rapporteur (SR) on the promotion and protection of the right to freedom of opinion and expression; 3) the SR on situation of human rights defenders; 4) the SR on the human rights of internally displaced persons; 5) the Independent Expert (IE) on protection against violence and discrimination based on sexual orientation and gender identity; and 6) the SR on torture and other cruel, inhuman or degrading treatment or punishment regarding the information that you have received on the alleged arbitrary arrests, detention and ill-treatment of twelve transgender women in the Aceh province.

Allow me to use this opportunity to inform you that the Aceh Province has been granted a special autonomy status by the Government of Indonesia (GoI) as part of the peace deal package signed by the GoI and the Aceh Freedom Movement in 2005 known as the Helsinki Memorandum of Understanding (MoU). This allows the Aceh Province to enact several bylaws known as *Qanun Jinayah* to complement the implementation of Indonesia's criminal code. In this regard, the GoI continues to implement national review mechanism and provide recommendations for local government to revoke or revise bylaws that are not in line with prevailing national laws.

1. **Ms. Elina Steinerte, Vice-Chair of Working Group on Arbitrary Detention**
2. **Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**
3. **Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders**
4. **Ms. Cecilia Jimenez-Damary, Special Rapporteur on the human rights of internally displaced persons**
5. **Mr. Victor Madrigal-Borloz, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity**
6. **Mr. Nilz Melzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

Office of the High Commissioner for Human Rights,
Palais des Nations, Geneva Fax: +41 22 9179008,
Email: registry@ohchr.org

As a pluralistic and democratic country, it is rather natural that there are divergent views and perspectives on LGBT/SOGI issues in Indonesia. Our national philosophy of Pancasila emphasizes the primacy of religious values in our daily life. As in any democratic societies, article 28J of our 1945 Constitution stipulates that in exercising individual rights and freedoms, every individual must observe the restrictions established by law based on considerations of morality, religious values, security and public order for the purposes of guaranteeing the recognition and respect of the rights and freedoms of others. Additionally, President Joko Widodo further affirms Indonesia's commitment to respect human rights in parallel with the social norms that exist in Indonesia.

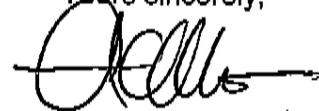
Yet, President Joko Widodo also underlines the urgency of the presence of the State to protect and to secure all Indonesians, regardless of their religion, race, ethnicity, sex, and social status background. He emphasizes that there should be no discrimination against minorities in Indonesia and if anybody feels threatened due to his/her sexuality, it is the duty of the Indonesian police to protect them. The Chief of National Police has issued the Circular Note no. 6/X/2015 on hate crime to ensure the protection of vulnerable groups from discrimination and violence including on the basis of sexual orientation and gender identity. The Gol will remain steadfast in its commitment to protect citizens from all forms of discrimination and violence and continue to conduct a constructive and inclusive dialogue between various stakeholders.

Meanwhile, regarding the alleged case involving arbitrary arrests, detention and ill-treatment of the twelve transgender women in North Aceh, the Chief of National Police has established an investigative team to check and verify the accuracy of information on the alleged case, the perpetrators and the victims. On such note, I can assure you that Indonesia is fully committed to the efforts of promotion and protection of human rights as stipulated in our Constitutional mandate, including to guarantee the protection of all Indonesians from discrimination and violence.

Let me also convey my appreciation towards the SPMHs concern regarding human rights issues in Indonesia and the willingness of the SPMHs to cross-check with the Gol on the development of the alleged issue. I would also like to inform that the SPMHs' further request for clarification on the measures taken and details of the issue has been forwarded to relevant institutions in the capital. I will update you on any developments and responses.

Please accept the assurances of my highest consideration.

Yours sincerely,



Hasan Kleib

Ambassador/ Permanent Representative