

Mandates of the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on minority issues

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20 November 2014

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief and Special Rapporteur on minority issues pursuant to Human Rights Council resolutions 22/20 and 25/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning incidents of religious intolerance-related **violence against members of Santo Fransiscus Agung Banteng Church and El'Shaddai Pentecostal Church-GDPI as well as the related impunity for such violence.**

According to the information received:

Attacks against members of Santo Fransiscus Agung Banteng Church

Mr. **Julius Felicianus** is the director of Galang Press that mainly publishes books regarding freedom of religion and religious tolerance.

At around 7 p.m. of 29 May 2014, the members of Santo Fransiscus Agung Banteng Church in Sleman City, Yogyakarta, held a prayer gathering in the garage of Mr. Felicianus' home at which time he was not in. A group of unknown people in white robes came to the house at around 8:20 p.m. and attacked the Church members. The attackers threw stones and assaulted several Church members, including an 8 year-old girl who was electrocuted and seriously traumatized. They also damaged the house using iron bars, flowers pots, batons and stones.

Mr. Felicianus was informed of the attack and rushed home by around 9:15 p.m. to try to reason with the attackers but was instead severely beaten up, causing serious head and back injury. In addition a reporter from a national media, Kompas TV, was beaten up as well when he tried to film the attack.

On 16 October 2014, Sleman Yogyakarta District Court convicted one of the perpetrators of the attack under Article 170 of the Criminal Law Procedures Code (KUHP) on joint attacks that caused injury to others and unrest in the community. The judge sentenced him to three months imprisonment minus the time of his arrest and detention. Mr. Felicianus was not presented as a witness during the hearing. The light sentence was said to reflect a reconciliation dialogue between the perpetrator and Mr. Felicianus. No other perpetrators have been brought to justice to date.

Interruptions of Sunday service of El'Shaddai Pentecostal Church-GDPI

On 1 June 2014, a Sunday service of El'Shaddai Pentecostal Church-GDPI in Pangukan Village in Sleman Regency was also disrupted. Neighbours allegedly complained about the sound of the prayers and a mob of unidentified people barged into the church. Police officers intervened to stop the violence and avoid its escalation. However, the congregation had to leave the church before the mob calmed down. A few hours later, the mob returned in a bigger group and attacked the church with stones. Consequently, the church building and the house of Mr. Nico Lomboan, the lead Pastor of the Church, were damaged.

Serious concerns are expressed at these allegations members of the Santo Fransiscus Agung Banteng Church and El'Shaddai Pentecostal Church-GDPI. These communities are religious minorities in Indonesia. Concern is also expressed at the impunity for these acts of violence; the sentence pronounced against the alleged perpetrator may seem disproportionate or does not reflect the minimum punishment provided for in Article 170 of Indonesian Penal Code. Besides, no other perpetrator has been brought to justice till date.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries that may have been ordered into these incidents, and of any criminal charges brought against the perpetrators of these incidents.

3. Please explain why has there been only one suspected perpetrator brought to justice in connection with these attacks? Are the police or authorities still investigating these attacks in order to bring perpetrators to justice?

4. Please explain how the sentence given by the judge of Sleman-Yogyakarta District Court to the alleged perpetrator is compatible with Article 170 of the Indonesian Penal Code.

5. Please indicate the measures taken to prevent the recurrence of such acts of violence against Church members and places of worship in Yogyakarta in particular, and to promote and protect the freedom of religion or belief of religious minorities in Yogyakarta and in Indonesia generally.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any persons responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

IZSÁK Rita
Special Rapporteur on minority issues

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to remind your Excellency's Government that the obligation to protect the freedom of religion or belief and the rights of religious minorities as enshrined in the 1948 Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), which your Excellency's Government acceded to on 23 Feb 2006, the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981 Declaration) and the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992 Declaration).

Art. 2 (1) of the ICCPR provides that each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as [...] religion [...], Article 18 guarantees the right to freedom of religion or belief either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching; and Art. 26 provided that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as [...] religion [...].” Furthermore, Article 27 of the ICCPR establishes that “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

Art. 2 (1) of the 1981 Declaration of the General Assembly maintains that “no one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief and urged all states in Art. 4 (2) to make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.” Article 6 (a) provides that the right to freedom of thought, conscience, religion or belief includes the freedom to worship or assemble in connection with a religion or belief.

We would like to draw your attention to resolution 64/164, the General Assembly regarding religious intolerance which urged “States to take all necessary and appropriate action, in conformity with international human rights standards, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world.”

We would like to refer to your Excellency's Government to the international standards in relation to the protection of the rights to persons belonging to minorities, in particular to the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1 of the Declaration establishes the obligation of States to protect the existence and identity of religious minorities within their territories and to adopt the appropriate measures to achieve this end, and article 2 states that persons belonging to religious minorities have the right to profess and practise their own religion without discrimination. Furthermore, States are required to ensure that persons belonging to minorities, including religious minorities, may exercise their human rights without discrimination and in full equality before the law (article 4.1), and to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs (article 4.2).

We also would like to draw your Excellency's Government attention to the recommendations of the sixth session of the Forum on Minority Issues on "Guaranteeing the rights of religious minorities" (2013), in particular recommendations 53-64 on prevention of violence and protection of the security of religious minorities.