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**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**Mandates of the Special Rapporteur on freedom of religion or belief and the Independent Expert on minority issues.**

Téléfax: (41-22) 917 9006  
Télégrammes: UNATIONS, GENEVE  
Téléx: 41 29 62  
Téléphone: (41-22) 917 9359  
Internet www.ohchr.org  
E-mail: urgent-action@ohchr.org

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

Address:  
Palais des Nations  
CH-1211 GENEVE 10

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Dear Mr. Yusup,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief and Independent Expert on minority issues pursuant to Human Rights Council resolution 14/11 and 16/6.

In this connection, we would like to bring to your Government's attention information we have received concerning the **attacks on Shi'a Community and blasphemy charges against Ali Murtadho alias Tajul Muluk, the Chairperson of Ikatan Jamaah Ahlulbait Indonesia (IJABI) in Sampang, Madura of East Java, Indonesia.**

According to the information received:

It was reported that there have been some attacks and intimidation against the Shi'a community in Sampang, Madura of East Java since 2006. Moreover, the Shi'a community has allegedly been pressured by anti-Shi'a groups to convert to Sunni Islam. Mr. Ali Murtadho alias Tajul Muluk, the Shi'a religious leader of Nangkrenang village in Sampang is also the Chairperson of Ikatan Jamaah Ahlulbait Indonesia (IJABI). In October 2009, Tajul Muluk was summoned by the Ulema board for an enquiry regarding his teaching and Da'wah (preaching) activities.

On 4 April 2011, a group of people claiming themselves as Ahl as-sunnah wa al-Jamaah (Sunni), allegedly besieged Nangkrenang village to stop the celebration of Maulid of the Prophet Muhammad organized by the Shi'a followers at Tajul Muluk's residence. People were reportedly blocked from attending the event by hundreds of heavily armed men and were also warned that Tajul Muluk's house would be attacked if the event took place. Subsequently, Tajul Muluk was reportedly arrested by the police and detained at the Precinct Police Station of Sampang for 12 days.

On 5 April 2011, mediation was held between Tajul Muluk and the religious prominence by the Regent and Deputy Regent of Sampang. The meeting was

reported to offer Tajul Muluk the options of either ending all Shi'a activities in Sampang and return to Sunni doctrine or leaving Sampang without any compensation of all his properties. It was alleged that he was further threatened the lives of the Shi'a community if he did not agree to one of the options. Tajul Muluk eventually gave in to the pressure after 12 days of detention; he reportedly left Sampang and moved to Malang of East Java on 16 April 2011.

At the beginning of Ramadan, on 7 August 2011, Tajul Muluk went to Nangkrenang village to visit his home and as soon as he entered the area, he was reportedly arrested by the police and detained at the Precinct Police Station. He was later sent back to Malang.

On 29 December 2011, a mob of about 500 Sunni people, some carrying weapons, entered Nangkrenang village in Sampang and set fire to a place of worship, boarding school and various homes in the vicinity. Despite the requests for police protection the day before when the Shi'a religious leaders from the village were warned of possible attacks by anti-Shi'a groups, only one police and one military officer were deployed to the village. Another 25 Police Mobile Brigade (Brimob) arrived at the scene an hour after the attack begun, it was reported that no steps were taken to prevent the attack or protect the community.

About 335 villages, including at least 107 children were reportedly evacuated to a temporary shelter at a sports complex in Sampang following the attacks. The conditions in the shelter were inadequate; there was limited access to clean water and sanitation. On 4 January 2012, the Shi'a community members were pressured to return to their homes by the Sampang district authorities and police. Water supplies to the shelter were allegedly reduced but the community refused to leave the shelter until their safety was guaranteed and that the perpetrators of the attacks were brought to justice. Despite their requests, on the evening of 12 January 2012, the community was forced onto trucks and taken back to their village.

On 1 January 2012, the Sampang branch of the Indonesia Ulema Council (MUI) allegedly issued a religious decree (fatwa) declaring Tajul Muluk's teachings as deviant teachings and on 3 January 2012, Mr. X, filed a report against him for blasphemy to the Sampang Resort Police (Polres).

On 12 April 2012, the Sampang State Prosecutor completed the indictment against Tajul Muluk alleging that he has conveyed deviant teachings of Islam by telling his followers that the existing Quran is not the authentic text of Islam; adding a sentence in the Creed of Islam; declaring the companions of the Prophet as infidel; compelling his followers to be untruthful and stating that their Pillars of Islam and Pillars of Faith are different from the majority of other Muslims.

Reportedly, Tajul Muluk's trial held on 24 April 2012 and 12 July 2012 at the Sampang District Court. 16 witnesses were called and they testified that they have never heard Mr. Tajul Muluk telling them about the non-authenticity of the Holy Quran. Tajul Muluk also handed his Quran, which was identical to the common

Quran used by other Muslims, to the Court. It was alleged that the judges disregarded the testimony of the witnesses nonetheless.

On 12 July 2012, the District Court in Sampang, Madura concluded that Tajul Muluk's views on the non-authenticity of the existing Quran have desecrated Islam and sentenced him to two years imprisonment for blasphemy under article 156(a) of the Indonesian Criminal Code.

Concerns are expressed at the attacks on the religious minority, in this case, the Shi'a community in Sampang and the violation of their rights to freedom of religion or belief. Concern is also expressed at the blasphemy charges against Mr. Ali Murtadho alias Tajul Muluk based on unproven allegations.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Government to seek clarification on the information drawn to my attention and share my concerns in relation to present circumstances in light of the applicable international human rights norms and standards.

We would also like to appeal to your Government to ensure the right to freedom of religion or belief in accordance with the principles set forth article 18 of the Universal Declaration on Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) that your Government acceded on 23 February 2006.

Art. 2 (1) of the ICCPR also provided that "[e]ach 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 [...], Art.18 (2) emphasized that [n]o one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice; and Art. 26 provided that [a]ll 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 [...]."

We would like to draw your attention to Human Rights Committee General Comment 22 Para. 4 which provides that "[t]he freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to [...] the building of places of worship". It is important to recognize that the places of worship are an essential element of the manifestation of the right to freedom of religion or belief to the extent that the great majority of religious communities or communities of belief need the existence of a place of worship where their members can manifest their faith.

We would also like to refer to article 1 (1) of the 1981 Declaration of the General Assembly which states that "[e]veryone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." Art. 2 (1) of the 1981 Declaration of the General Assembly maintained that

“[n]o 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.”

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.”

Furthermore, we would like to recall that the General Assembly, in its resolution 63/181, urges “(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of fulfilling their official duties, respect all religions or beliefs and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate education or training is provided”.

We wish to draw the attention of your Government to international standards relevant to the protection and promotion of the rights of minorities. 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.” The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires under article 1.1 that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.” Article 2 establishes that “Persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.” Minorities also have the right to establish and maintain their own associations and to maintain, without any discrimination, free and peaceful contacts with other members of their group. In addition, article 4.1 establishes that: “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.” Article 4.2 requires that “States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs.”

Moreover, it is our responsibility under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to my attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the cases accurate?
2. Have complaints been lodged with regard to the incidents mentioned?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries or any criminal charges to the perpetrators in relation to these incidents. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please indicate which measures that your Government has taken to prevent the acts of violence against the members and place of worship of the Shi'a community in Sampang, Indonesia.
5. Please illustrate how article 156(a) of the Indonesian Criminal Code is compatible with article 18 of the UDHR and ICCPR.
6. Please provide details of any legislation and policy that exists to protect and promote the rights of persons belonging to religious minorities.

We would appreciate a response within sixty days. Your Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Government to take all necessary measures to guarantee that the rights and freedoms of the Shi'a community in Sampang, especially their religious leader, Mr. Ali Murtadho alias Tajul Muluk are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Mr. Yusup, the assurances of our highest consideration.

Heiner Bielefeldt  
Special Rapporteur on freedom of religion or belief

IZSÁK Rita  
Independent Expert on minority issues