

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

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

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

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

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.**

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) Indigenous (2001-8)  
IDN 1/2014

11 April 2014

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **undue restrictions on the exercise of the rights to freedom of peaceful assembly, expression and association of members of the Indigenous People of Biafra (IPB) based in Indonesia.**

According to the information received:

On 30 May 2014, from noon, IPB members will hold a worldwide rally to honor the memory of the millions of Biafrans killed during the Biafra-Nigeria war from 1967 to 1970. The rally will begin in Tokyo and Osaka in Japan, and Biafrans from other countries will join at the same time in their respective time zones.

IPB members in Indonesia plan to join this worldwide movement by holding a peaceful rally at the Sudirman roundabout in Jakarta on 30 May 2014 at noon. The organizers of the rally have reportedly chosen this landmark location to avoid disrupting traffic since it can reportedly contain more than 400 people in its inner part. They expect a maximum of 50 participants to attend the rally. They intend to first spend a few minutes of silence to honor the victims, and then walk around the roundabout with Biafran and United Nations flags, while singing and praying peacefully for 1-2 hours. They will then disperse and return home.

Yet the organizers have not been able to obtain permission from the authorities to hold the rally. On 2 March 2014, they went to the police headquarters Polda Metro Jaya to seek permission, and were directed from one department to another, before being received by officers from the Intelligence and Security (Intelkam) department. The officers from this department reportedly rejected the organizers' request on the ground that they were foreign nationals. They added that permission could be granted if IPB could be registered as an organization under the domestic legislation.

The IPB members' previous attempts to register the organization were also unsuccessful. On 25 February 2014, officials from the Ministry of Justice and Human Rights Department told IPB members that they needed to submit their application via a lawyer or a notary to the Ministry for approval. Nevertheless, between 28 February and 13 March, Biafrans reportedly visited more than 14 law firms and 18 notary offices, all of which refused to take on their case on the ground that they were foreign nationals.

Serious concerns are expressed about the aforementioned alleged undue restrictions on the rights to freedoms of peaceful assembly, expression and of association of IPB members based in Indonesia.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to the following provisions of the International Covenant on Civil and Political Rights (ICCPR):

- article 19 provides that “[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”;

- article 21 provides that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security of public safety, public order (ordre public), the protection of public health or morals of the protection of the rights and freedoms of others”; and

- article 22 of provides that “[e]veryone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

We would like to further refer to Human Rights Council resolution 24/5, and in particular operative paragraph 2 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take

all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

We would also like to mention the 2004 General Assembly report of the then Special Representative of the Secretary-General on the situation of human rights defenders, in which she stated that “[r]egistration should not be compulsory. NGOs should be allowed to exist and carry out activities without having to register if they so wish” (A/59/401, para. 82(a)).

In addition, we would like to refer to the press release issued by a group of United Nations independent experts, including the undersigned of the present letter, entitled ‘Restrictive bill threatens freedoms of association, expression and religion’, and issued on 14 February 2013. In this press release, the experts stated that “[t]he Bill also significantly curtails the activities of foreign associations, which must obtain a permit... to operate...”

In this connection, we would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully; and

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Moreover, since 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 be grateful for your observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?
2. Please indicate the legal basis of the refusal to grant permission to the organizers of the aforementioned peaceful rally, and how this is compatible with the abovementioned international human rights norms and standards.
3. Please indicate how the restrictions imposed on foreign applicants for registration are compatible with the aforementioned international human rights norms and standards.

We would appreciate a response within sixty days. Your Excellency's 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 Excellency's Government to take all necessary measures to guarantee that the rights to freedoms of peaceful assembly, expression and of association of indigenous people of Biafra based in Indonesia 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 Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

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freedom of opinion and expression

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Special Rapporteur on the rights to freedom of peaceful assembly and  
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