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OFFICE OF THE UNITED NATIONS
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HUMAN RIGHTS COUNCIL

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

REFERENCE: UA G/SO 214 (56-23) Minorities (2005-4)
IDN 3/2013

26 April 2013

Excellency,

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

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **closing down of the Al Misbah Ahmadi mosque in the city of Bekasi, West Java, Indonesia.**

According to the information received:

On 14 February 2013, the Administration of the city of Bekasi allegedly placed a sign in front of the Al Misbah mosque, an Ahmadi mosque, prohibiting any activities from being conducted there. The sign cited several regulations including a Joint Ministerial Decree issued in 2008, Regulation No. 12 of 2011 of the Governor of West Java, and Regulation No. 40 of 2011 of the Mayor of Bekasi. According to the information received, all legal requirements prescribed by the law had been met by the Ahmadi congregation since its establishment in 1999.

In early March 2013, Government officials of the City of Bekasi visited the mosque for a second time with the aim of re-negotiating the closure of the mosque with the Ahmadi congregation. However, as the negotiation progressed inside the mosque, members of the Public Order Agency (Satpol PP), an Indonesian law-enforcement body operated by the Department of Home Affairs, reportedly locked the gates of the mosque, claiming the administration had officially ‘sealed’ the building, leaving several members of the Ahmadi congregation trapped inside the mosque for several hours.

On 4 April 2013, at around 6:30 p.m., approximately one hundred members of the Public Order Agency (Satpol PP), with police support, arrived at the Al Misbah mosque. They allegedly installed a corrugated sheet fence around the mosque for the purpose of preventing the Ahmadi congregation from carrying out religious activities, leaving 40 members of the congregation locked inside the mosque. The police were reportedly present during the installation of the fence and provided support to the Public Order Agency. They also allegedly gave the warning that any attempt to break the fence would be treated as a crime, as per order No. 40 of 2011 of the Mayor of Bekasi city. The Administration of the city of Bekasi reportedly claimed that in closing the mosque it was enforcing the law which prohibits the Ahmadi from conducting any religious activities. However, it is also believed that the closure was decided upon the request of the Islam Defenders Front (Front Pembela Islam, FPI) and the Islam Defenders Troops (Laskar Pembela Islam, LPI), groups who are averse to the Ahmadi, as they had been present on three occasions in connection with the closure of the mosque.

Serious concern has been expressed that the closing of the Al Misbah mosque in Bekasi restricts the freedom of religion or belief of the members of the Ahmadi congregation, particularly their freedom to manifest their religion or belief in worship and to maintain places for these purposes.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency’s Government to seek clarification of the circumstances regarding the closure of the Ahmadi mosques.

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

In addition, we would like to recall article 6 (a) of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or

Belief according to which the right to freedom of thought, conscience, religion or belief includes the freedom to “worship or assemble in connexion with a religion or belief, and to establish and maintain places for these purposes”.

Furthermore, the General Assembly, in its resolution 64/164, urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end: “(g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas; (h) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration and destruction; (i) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected; (k) To take all necessary and appropriate action, in conformity with international standards of human rights, 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 wish to draw the attention of your Excellency’s 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 practise 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”. This provision should be understood to require the prevention of any acts of violence and the protection of minorities from any form of physical attack against individuals, communities, their property and places of worship. Article 1.2 also provides that “States shall adopt appropriate legislative and other measures to achieve those ends.”

In addition, article 2.1 of the Declaration states 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.” Under article 2.2 of the Declaration “Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.” Finally, article 4.1 of the Declaration stipulates 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”.

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. 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 case accurate?
2. Has a complaint been lodged with regard to the incidents mentioned?
3. Please provide the details and where available, the results, of any judicial investigation, or any criminal charges and other inquiries carried out in relation to these cases. If no queries have been made, or if they have been inconclusive, please explain why.
4. Please indicate the reasons and legal basis for the closure of the Al Misbah mosque in Bekasi and how are these measures compatible with international norms and standards?
5. Has any other Ahmadi mosque or place of worship been closed down in Bekasi or elsewhere in Indonesia? If yes, please provide the reasons or legal basis for this.
6. Please indicate what measures have been taken by your Excellency’s Government to ensure that the freedom of religion or belief of all persons, including members of the Ahmadi community, is protected in Indonesia.

We undertake to ensure that your Excellency’s Government’s response to each of these questions is accurately reflected in the report we will submit 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 right and freedom of religion or belief of the members of the Ahmadi congregation are respected and, in the event that your

investigations support or suggest the 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.

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

IZSÁK Rita
Independent Expert on minority issues