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**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 freedom of religion or belief and the Special Rapporteur on the rights to
freedom of peaceful assembly and of association**

REFERENCE: UA Assembly & Association (2010-1) G/SO 214 (56-23)
IDN 3/2011

8 July 2011

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on freedom of religion or belief and Special Rapporteur on the rights to freedom of peaceful assembly and of association pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 14/11 and 15/21.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **threats and fear of attacks aimed at members of the Christian community**, and in particular the congregation of the Taman Yasmin Indonesian Christian Church in Bogor, West Java.

According to information received:

It has been reported, that in a letter dated 28 June 2011, residents of the Curug Mekar village in Bogor, West Java, have called upon the local government authorities and the police to stop all religious services and activities of the Taman Yasmin Indonesian Christian Church (Gereja Kristen Indonesian, GKI), in West Java.

The members of the congregation of the Taman Yasmin Indonesian Christian Church are reportedly at risk of attacks at their weekly Sunday service on 10 July 2011, which is conducted on the pavement outside the church.

Since 2008, following pressure from local residents and extremist groups, the church building permit was reportedly revoked and the church has remained closed despite a ruling by the Indonesian Supreme Court in December 2010, ordering that it be reopened. Since the closure of the church, the congregation has conducted weekly services on the pavement outside the church and has been the subject of at least six attacks.

It is further reported that the signatories of the aforementioned letter, demanded that the church stop all activities by 3 July 2011. As the congregation ignored this ultimatum, protests were organized by the local residents on 3 July 2011, with threats being reportedly made by leaders of the community, should the service and activities continue. The local residents have given a further deadline of 10 July 2011 to the congregation to stop all its activities. Consequently, the congregation fears further intimidation and attacks.

Grave concern has been expressed for the safety and wellbeing of those belonging to the Christian community and in particular the congregation of the Taman Yasmin Indonesian Church, highlighting a lack of protection afforded to those belonging to the Christian faith, their right to worship and their places of worship. In addition, serious concern is expressed that this situation may place unnecessary restrictions to the legitimate rights to freedom of association and peaceful assembly of the mentioned congregation.

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 threats, harassment and intimidation of the Christian community and in particular the congregation of the Taman Yasmin Indonesian Church.

We would like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief of all members of the Christian faith including members of the Taman Yasmin Indonesian Church in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and article 18 of the Universal Declaration on Human Rights as well as of the International Covenant on Civil and Political Rights (ICCPR). In addition, we would like to remind your Excellency's Government that, according to article 20, paragraph 2, of the ICCPR "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

We would also like to recall that 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 "[...] (b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights; [...] (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; [...] (l) To promote, through education and other means, understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging a wider knowledge in the society at large of the history, traditions, languages and culture of the various religious minorities existing within their jurisdiction; [...] (m) To prevent any distinction, exclusion, restriction or preference based on religion or belief which impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief.”

Moreover, with regards to concerns expressed that the threats, harassment and intimidation of the Christian community, in particular the congregation of the Taman Yasmin Indonesian Church, may place unnecessary restrictions on the legitimate rights to freedom of association and peaceful assembly, we would like to appeal to your Excellency's Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 21 of the ICCPR, which provides that “The 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.”

We would like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the ICCPR, which provides that “Everyone 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 urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of members of the Christian community and in particular the congregation of the Taman Yasmin Indonesian Church 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.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of members of the Christian community and in particular the congregation of the Taman Yasmin Indonesian Church in compliance with the above international instruments.

Moreover, 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 above summary of the case accurate?
2. Has a complaint been lodged with regard to the incidents mentioned above?
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 the threats, attacks and intimidation of the congregation of the Taman Yasmin Indonesian Christian Church?
4. Please provide details of what measures are being taken to ensure the safety and wellbeing of the members of the Taman Yasmin Indonesian Christian Church?

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.

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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of
association