

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

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6 November 2015

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 allegations we have received concerning **violations of the human rights of members of Christian churches in Aceh Singkil Province.**

According to the information received:

Forced closure of Christian churches

On 12 October 2015, the local Government ordered the closure and demolition of 10 churches in Aceh province. According to reports, the Government decision was taken as the result of a protest held by the organization Aceh Youth Concerned for Islam starting on 6 October outside government offices. Protesters demanded the closure and demolition of Christian churches for alleged violations of zoning regulations.

On 13 October 2015, approximately 500 anti-Christian protesters gathered outside a Christian Protestant church in Suka Makmur village. The protest turned violent and the church building was burnt down despite attempts by the police, who were outnumbered by the protesters, to protect the building. Protesters then attempted to attack another church in Dangguran village, but the police and the military intervened and protected the church. One protester was killed in the confrontation between anti-Christian protesters, members of the Christian congregation and police forces.

On 14 October 2015, President Joko Widodo issued a statement on the twitter social media platform calling for a cessation of the violence in Aceh Singkil pointing that religious violence was undermining diversity.”

These violent incidents caused fear among Christians in Aceh Singkil Province, and approximately 4,000 Christians fled to neighbouring province North Sumatra for safety. Some of them have since then returned to Aceh Singkil Province, but the situation is still tense and Christians fear further attacks. There are reports that the Government has completed the demolition of three churches in Aceh Singkil Province, based on the decision issued on 12 October 2015 to close down and demolish seven Christian churches for the alleged violation of zoning regulations.

We are concerned about the rise of inter-religious violence in Aceh Singkil province, and that the Government has not been able to protect Christian minorities from attacks, undermining their right to exercise their freedom of religion or belief. The fact that the Government is demolishing Christian churches, apparently on the ground of violations of zoning regulations but also under the pressure of anti-Christian protesters, is also a matter of concern. We are also concerned that a clear condemnation of the attacks on Christian churches or an expression of solidarity with the victims has not been expressed by the authorities.

The alleged acts appear to be in contravention of international human rights law to which Indonesia is obligated, including the right of every individual to freedom of religion, as set forth in article 18 of the Universal Declaration of Human Rights (UDHR), and of the International Covenant on Civil and Political Rights (ICCPR), as well as the rights of persons belonging to ethnic, religious or linguistic minorities set forth in article 27 of the ICCPR.

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/or comment(s) you may have on the above-mentioned information.
2. Please indicate all steps taken by the Government to protect the exercise of freedom of religion, free from intimidation and attacks, by Christians in Aceh Singkil Province.
3. Please provide the full details of any investigations which may have been undertaken ordered into the burning of a church in Suka Makmur village on 13 October, and if they were proven correct, of any proceeding, criminal or otherwise, that may have been or may be taken against those responsible.

4. Please provide details on the decision taken by the Government on 12 October 2015 to demolish 12 Christian churches, including the reasons for the demolition, and on alternative measures considered, in consultation with the affected Christian communities, to enforce zoning regulations in Aceh Singkil Province.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we call for your Excellency's Government to suspend the decision by the local Government of Aceh Singkil Province to demolish the seven Christian churches thus far targeted, and to proceed with the issue in a manner that ensures that the religious rights of Christians are not being violated.

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

Rita Izsák
Special Rapporteur on minority issues

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to take this opportunity to draw your attention to applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

In accordance with the International Covenant on Civil and Political Rights (ICCPR, art. 18.1), accessed by Indonesia on 23 February 2006, everyone has the right to freedom of religion. According to article 18.2, "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice."

We would like to further refer to your Excellency's Government to the international standards in relation to the protection of the rights to persons belonging to religious minorities, in particular to the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Declaration on the Rights of 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).

We would also like to call your Excellency's Government's attention to the Human Rights Committee's General Comment 22 (par. 4) on ICCPR's article 18, where it stated that "[t]he freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts [...] including the building of places of worship". The freedom to manifest one's religion or belief is not absolute, but any limitation imposed on it needs to be, according to ICCPR art. 18.3, "prescribed by law", and "necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others". In 2007, the Human Rights Council urged states in its Resolution 6/37 (paragraph 9.e) on the elimination of all forms of intolerance and of discrimination based on religion or belief to "exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian 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 or destruction".

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), particularly Recommendation number 34, which calls upon States to put in place measures to protect and maintain the cultural heritage of religious minorities — including buildings, monuments, burial grounds and other sites of religious significance, as well as the documents, records and artefacts belonging to religious minorities.

In relation to the need to promote tolerance towards the Christian community in Aceh Singkil Province, we would like to stress that ICCPR specifically recognizes the rights of members of religious minorities to “profess and practices his or her own religion” (article 27). In connection to the coexistence of different religious groups, the 1981 United Nations Declaration on Religious Tolerance and Non-Discrimination urges states “to take all appropriate measures to combat intolerance on the grounds of religion” (article 4.2). In 2005, the Commission on Human Rights emphasized the importance of promoting “a continued and strengthened dialogue among and within religions or beliefs, encompassed by the dialogue among civilizations, to promote greater tolerance, respect and mutual understanding” (Resolution 2005/40, paragraph 10).

Regarding the Government’s public reaction to the attacks on Christian churches, we would like to recall your Excellency’s Government’s attention to the report we presented to the Human Rights Council in December 2014 (A/HRC/28/66). In that report, we recommended that “[a] first step towards providing protection against violence in the name of religion is a quick and unequivocal condemnation of any such acts, whenever they occur, by high representatives of the State. State representatives should indeed take the lead in rejecting violence, expressing sympathy for victims and providing public support for targeted individuals or groups”.