

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

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

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

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

SPECIAL PROCEDURES OF THE
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Excellency,

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

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the continuous intimidation and attacks targeted at the congregation of the **Taman Yasmin Indonesian Christian Church** (Gereja Kristen Indonesia, GKI) by some Islamist groups in Bogor, West Java. This case was already the subject of a joint urgent appeal we sent on 8 July 2011 (A/HRC/19/44, case no. IDN 4/2011), to which we regret that we have yet to receive a reply from your Excellency's Government.

According to the information received:

On Sunday, 22 January 2012, at around 7:00 a.m., members of two Islamist groups, the Islamic Reform Movement (Garis) and Muslim Communications Forum (Forkami), allegedly gathered near the site of the church where the congregation of the Taman Yasmin Indonesian Christian Church has its weekly services. They blocked the road with tree branches and wooden chairs.

Due to fears for their safety, the congregation had decided to move its weekly service to a member's home about 300 meters from the church. Allegedly, Garis and Forkami protesters intimidated and verbally abused some of the congregation as they made their way to the service at the house. At least 50 Bogor Municipal Administrative Police (Satpol PP) officers arrived at the scene around 30 minutes after their worship began, at 9:00 a.m..

Shortly afterwards, dozens of protesters began gathering outside the house, intimidating the congregation and shouting at the members to leave. Reportedly, the administrative police attempted to persuade the worshippers to leave instead of taking steps to ensure that the service could be conducted without interference. Despite such pressure, the congregation refused to leave while the protesters were present. This continued until the Bogor District Police Chief agreed to guarantee protection of the 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 on the information drawn to our attention and share our concerns in relation to present circumstances in light of the applicable international human rights norms and standards.

We appreciate the December 2010 Supreme Court ruling that guaranteed the congregation's right to hold services in its church building, however, we are concerned by the non-compliance of the decision by the Bogor city administration and the continuous undermining of the right to freedom of religion as provided in your Constitution and international norms and standards. We are further concerned by the lack of security protection provided to the congregation and the deprivation of the congregation's right to freedom of association and peaceful assembly.

We are aware that the right to the freedom of religion and belief is guaranteed by the Constitution of Indonesia pursuant to Article 29 (2) that provides that "[t]he State shall guarantee the freedom of its people to embrace respective religions and to worship according to their respective religions and beliefs. Article 28E also provides that "[e]veryone shall be free to embrace their religions and worship according to their religions, choose education and teaching, occupation, nationality, residence in the State territory and leave the same, and return."

We would like to recall the rights guaranteed by Articles 2 (1) and 26 of the International Covenant on Civil and Political Rights (ICCPR) that your Excellency's Government has ratified through Law Nr. 12 in 2005 and 18 of the Universal Declaration of Human Rights (UDHR). Article 18 (1) of the ICCPR specifically provides that "[e]veryone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and [...]." While Article 27 of the ICCPR emphasises that "[i]n 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."

In addition, Art. 2 (1) of the 1981 Declaration of the General Assembly also provided 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," Commission on Human Rights resolution 2005/40, urged States to step up their efforts to eliminate intolerance and discrimination based on religion or belief.

Article 1 (1) of General Assembly Declaration 47/135 further provides 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 (1) states that "[p]ersons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination."

Commission on Human Rights resolution 2005/40 (paragraph 4 (d)), Human Rights Council resolution 6/37 (paragraph 9(g)) and General Assembly resolution 65/211

(paragraph 12 (g)) urges States "[t]o ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief [...]."

Human Rights Committee General Comment 22, para. 2 also provides that "[t]he Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community." Art. 6 (a): The right to freedom of thought, conscience, religion or belief includes the freedom, "To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes."

We would like to appeal to your Excellency's Government to take all necessary steps to ensure the right of members of the congregation of the Taman Yasmin Indonesian Christian Church to freedom of peaceful assembly, as recognized in article 21 of the ICCPR, which 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.

Furthermore, we would like to appeal to your Excellency's Government to take all necessary steps to ensure the right of the congregation's members to freedom of association, as recognized in article 22 of the ICCPR, which provides that "[e]veryone shall have the right to freedom of association with others..."

In this context, we would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that "[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely... including persons espousing minority or dissenting views or beliefs... 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 urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the members of the congregation of the Taman Yasmin Indonesian Christian 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 security of members of the congregation of the Taman Yasmin Indonesian Christian Church.

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 summary of the case accurate?
2. Have complaints been lodged with regard to the incidents mentioned?
3. Please provide the details and where available, the results or reports, of any judicial investigation, or any criminal charges in relation to this case.
4. Please indicate which measures your Excellency's Government has adopted to ensure the security of members of the congregation of the Taman Yasmin Indonesian Christian Church, and to ensure that the Bogor city administration complies with the December 2010 decision of the Supreme Court.

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.

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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief