

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on minority issues

REFERENCE:
AL IDN 5/2018

30 August 2018

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on freedom of religion or belief and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 35/15, 31/16 and 34/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **violent attacks against the Ahmadiyya minority in East Lombok**.

According to the information received:

Between 19 May, 11 a.m. and 20 May 2018, 6:30 a.m., several attacks targeting the Ahmadiyya minority were carried out by mobs in East Lombok, West Nusa Tenggara Province, Indonesia. In some of these incidents, police and military personnel were present in the area. The attacks carried out with the purpose of expelling the community from Lombok, led to the destruction of at least seven houses, four motorcycles, a local shop and household equipment belonging to Ahmadis. As a result, around 24 members of the Ahmadiyya minority, mostly women and children, had their homes destroyed and needed to be evacuated to the East Lombok Police Station.

The attacks were reported to the East Lombok police, who organized a mediation meeting and decided to relocate the Ahmadis to a temporary shelter in Gelang village, Selong Sub-District, East Lombok. The commander of the local police force promised to initiate an investigation into the attacks; however, at the time of writing, no action had been taken to this end.

The mob attacks against the Ahmadiyya minority in East Lombok on the basis of religious intolerance are not an isolated incident as similar incidents reportedly took place in 2011 and 2016 which included alleged physical assaults and killings. The reluctance by the police to stop and investigate perpetrators of past violations, has contributed to recurring acts of violence, threats and intimidation by vigilante mobs in the region.

In addition, the violent acts targeting the Ahmadiyya minority, are allegedly associated with Indonesia's blasphemy law. Accordingly, the Criminal Code includes blasphemy provisions in Articles 156 and 156(a), penalizing with up to five years imprisonment "any person who in public deliberately expresses his/her

feelings or engages in actions that in principle are hostile and considered as abuse or defamation of a religion embraced in Indonesia”. Based on such provisions, the 2008 Joint Ministerial Decree ordered Ahmadis to refrain from propagating their teachings and to cease all public religious activities on the grounds that they deviate from the principal teachings of Islam.

Without prejudging the accuracy of these allegations, we would like to express our concern about the attacks that have been carried out against the Ahmadiyya minority, particularly in the region of East Lombok. We also express serious concern at the lack of investigation and the consequent impunity for those violations, which may encourage further attacks. Furthermore, we are concerned that the criminalization of blasphemy offences may be used to encourage negative social mobilization, leading to expressions of intolerance and incitement to violence.

We would like to express particular concern for the physical integrity of members of the Ahmadiyya community in light of the reported previous similar expressions of religious intolerance and discrimination, which have in the past escalated and resulted in reported physical attacks and killings. In this context, we urge your Excellency’s Government to take all measures necessary to counter all forms of religious intolerance and guarantee the right to life of the Ahmadiyya community in line with article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Republic of Indonesia in 2006.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As 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. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide details, and where available the results, of any investigation or other inquiries which may have been carried out in relation to these attacks. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please provide information on the number of persons held accountable for the aforementioned violations.
4. Please indicate any remedial action taken vis-à-vis the Ahmadis affected by those attacks.

5. Please provide detailed information about the measures taken to guarantee the safety and security of the Ahmadiyya minority, and to prevent the recurrence of similar attacks.
6. Please provide information on steps taken to repeal blasphemy law in Indonesia.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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.

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

Fernand de Varennes
Special Rapporteur on minority issues

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to appeal to your Excellency's Government to take all necessary steps to ensure the fundamental rights in accordance with the principles as set forth in articles 6, 18, 20, 26 and 27 of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 23 February 2006, guaranteeing the right to life, freedom of religion or belief, prohibiting any hate speech that constitutes incitement to discrimination, guaranteeing equality and non-discrimination and the protection of the rights to persons belonging to ethnic, religious or linguistic minorities.

We would like to reiterate in relation to article 6 of the ICCPR, which guarantees the inherent right to life of every human being and provides that no one shall be arbitrarily deprived of one's life, as stated by the Human Rights Committee in its General Comment 31, the responsibility of State parties to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by non-state actors. A failure to do so could in and of itself give rise to a breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 8, 15 and 18). As part of the positive obligation on the State to exercise due diligence and prevent killings where a pattern can be identified, which appears to be the case as evidenced by the reported previous attacks on the Ahmadiyya community in Lombok, the State also carries a responsibility to address "attitudes or conditions within society which encourage or facilitate" violence or killings committed by non-State actors (see E/CN.4/2005//, para. 71).

In this respect, we would also like to recall that Article 18 of the ICCPR ensures the right of everyone to have and manifest a religion or belief of one's choice. In addition, it provides that no one shall be subject to coercion which would impair her or his freedom to have or to adopt a religion or belief of her or his choice. The freedom of religion or belief is part of the forum internum, i.e. a non-derogable right that allows no limitations under international law.

We also would like to refer to Article 20 (2) of the ICCPR that obliges States to prohibit by law any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence. The Human Rights Council Resolution 16/18 has further deplored "all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship." In addition, the Human Rights Council Resolution 6/37 urged States to take all necessary and appropriate measures to combat hatred, acts of violence, intimidation and coercion motivated by intolerance based on religion or belief.

We would like to reiterate our call for all States to repeal blasphemy laws. It is also a recommendation of the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility and violence. In addition, the Human Rights Committee has stated in paragraph 48 of its

General Comments 34 that prohibitions or displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the ICCPR, except in the specific circumstances envisaged in article 20 (2) of the Covenant. Individuals belonging to religious minority groups are however disproportionately charged with “blasphemy”, for practicing their faith.

In this connection, we also deem it appropriate to make reference to international standards regarding the protection of the rights of persons belonging to religious minorities, in particular to Article 27 of the ICCPR, which guarantees minorities, *inter alia*, the right to profess and practice their own religion.

The 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 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 (Article 1), recognizes that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination (Article 2) and requires States 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).

Finally, the Human Rights Committee in its General Comment 22, para. 2, raised concern of 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.