

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders

Ref.: AL IDN 2/2026
(Please use this reference in your reply)

5 March 2026

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 60/8, 52/9, 59/4 and 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged arbitrary arrest and criminalisation of human rights defenders Khariq Anhar, Delpedro Marhaen, Muzaffar Salim and Syahdan Husein related to their participation in peaceful protests and the exercise of their rights to freedom of expression and freedom of peaceful assembly.**

Khariq Anhar is a student activist at Universitas Riau (UNRI) defending labour rights and the right to freedom of speech.

Delpedro Marhaen is the executive director of the Lokataru Foundation, a non-governmental organisation focused on advancing accountability of public and private institutions in light of human rights law by supporting civil society organisations, trade unions and journalists, in particular, to fight corruption.

Muzaffar Salim is a staff member with Lokataru Foundation and an administrator of one of its Instagram accounts.

Syahdan Husein is a main administrator of the social media account of [REDACTED]

[REDACTED] It uses social media for youth mobilisation and campaigns.

Indonesia's Criminal Procedure Code (the *Kutab Undang-Undang Hukum Acara Pidana*, KUHAP) was the subject of communication JOL [IDN 9/2025](#), dated 18 November 2025, expressing concern about the implementation of the old Criminal Procedure Code as well as its 2025 Draft. We regret that we did not receive a response from Your Excellency's Government. The judicial harassment of human rights defenders, as a result of their online activism, was the subject of communication JAL [IDN 2/2023](#), dated 30 March 2023. We regret not receiving a reply to this communication from your Excellency's Government. Restrictions of peaceful assemblies held by human rights defenders, students and civil society organisations were the subject of communication JAL [IDN 3/2025](#), dated 23 April 2025. We thank

Your Excellency's Government for its [response](#) to this communication, dated 16 June 2025. However, in light of the information received, we remain concerned about the continued restrictions and the alleged criminalisation of peaceful human rights defenders.

According to the information received:

On 25 August 2025, largely peaceful demonstrations by civil society activists, labour union representatives and high school and university students occurred in response to government austerity measures. Police reportedly used disproportionate force against protestors, and at least 4,194 people were arrested between 25 August and 2 September 2025. Of those, 959 were charged, including at least 12 who were human rights defenders accused of inciting people to join "violent protests." Messrs. Anhar, Marhaen, Salim and Husein were involved in the protests and arrested later.

On 27 August 2025, Mr. Anhar posted a call on social media for all groups in Indonesia to be allowed to join the protests.

On 29 August 2025, at around 8 a.m., Mr. Anhar was arrested at Jakarta's Soekarno-Hatta Airport on his way back from Bandung. He was taken by five men in plainclothes, who reportedly forced him into a car and physically assaulted him. He lost consciousness briefly while they were on their way to the Jakarta Metropolitan Police's General Criminal Investigation Directorate (Ditreskrim) building. The men in plainclothes were later identified as agents of the cybercrime unit of the Greater Jakarta Metropolitan Regional Police (Polda Metro Jaya). He was charged in case No. 757 with criminal offenses related to unauthorized access to, and manipulation of, data under article 35 of the Electronic Information and Transactions law. This was in relation to his social media posting of 27 August 2025.

On 1 September 2025, at 10.45 p.m., around eight police officers belonging to the Polda Metro Jaya arrested Mr. Marhaen from the Lokaturu Foundation office. Mr. Marhaen was allegedly not allowed to contact his family or lawyer. He was charged in relation to the posts the Lokaturu Foundation published on social media regarding the August 2025 protests.

On 1 September 2025, Mr. Husein was arrested in Bali and transported to Jakarta. He was charged in relation to the [REDACTED] postings on social media regarding the August 2025 protests.

On 2 September 2025, at around 1 a.m., Mr. Salim was arrested outside the Jakarta Metro Police headquarters where he was waiting for the interrogation of Mr. Marhaen to start. The police officers who arrested him did not show a warrant.

On 16 December 2025, the Central Jakarta State Court opened the trial of Messrs. Anhar, Marhaen, Salim and Husein in case No. 742. They were charged with spreading false news, under articles 28(1) and 45(2) of the Electronic Information and Transactions (ITE) Law, and inciting violence against police

by posting on social media support for the protests and information on legal aid for students arrested during the protests, under article 160 of the (old) Indonesian Criminal Procedure Code (KUHP). The prosecution argued that the “incitement contents” were disseminated through various social media accounts, including those of the Lokaturu Foundation and the [REDACTED], creating a “network effect” that prompted algorithms to amplify the content. The charges carry a maximum penalty of six years in prison and fines up to USD 60,000. They were held in the Salemba Detention Centre in Jakarta.

On 23 January 2026, the Central Jakarta State Court declared the dismissal of the prosecutor’s claim regarding Mr. Anhar’s violation of the ITE law in case No. 757 regarding unauthorized access to and manipulation of data under article 35 of the ITE and ordered his temporary release. Mr. Anhar remains listed as a defendant in case No. 742. The court refused a prosecution request to keep Mr. Anhar detained under that case.

At the end of January 2026, the prosecution charged Mr. Anhar with the same charges as in case No. 757 but referred to Indonesia’s new 2025 Criminal Procedure Code (KUHP) enacted on 2 January 2026 alongside the new Criminal Sanctions Adjustment Law. Mr. Anhar remains free.

On 10 February 2026, the court accepted the amended charge against Mr. Anhar presented by the prosecution. His next hearing is set for 24 February 2026.

On 13 February 2026, Messrs. Marhaen, Salim and Husein were transferred to house arrest. A verdict in case No. 742 is expected in March 2026.

On 27 February 2026, the prosecution asked for a sentence of two years in case No. 742.

Without wishing to prejudge the accuracy of the information received, we express serious concern at the alleged arbitrary arrest of the human rights defenders Messrs. Anhar, Marhaen, Salim and Hussein and their criminalisation in relation to their participation in peaceful protests calling for social and economic rights and the exercise of their rights to freedom of expression and freedom of peaceful assembly.

If confirmed, the facts alleged would appear to contravene, among other norms, the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia acceded on 23 February 2006 and which binds States to respect, protect and fulfil the rights to freedom of peaceful assembly and freedom of expression. Any restriction of these rights must be justified by law, serve a legitimate aim, and be necessary and proportionate in a democratic society.

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 indicate the legal and factual basis for the charges brought against human rights defenders Messrs. Anhar, Marhaen, Salim and Hussein, and explain how their prosecution is compatible with international human rights law. Please explain whether the relevant tests under international human rights law, including articles 19, 20, and 21 ICCPR, as well as the Rabat Plan of Action have been applied to determine whether the conduct of Messrs. Anhar, Marhaen, Salim and Hussein may be protected.
3. Please provide information about any investigations conducted concerning the alleged physical assault of Mr. Anhar by security agents. If no investigation has been opened, kindly explain why and how the measures are compatible with international human rights law.
4. Please provide information about the applicable rules and procedures regarding charges under the Electronic Information and Transactions Law and the Indonesian Criminal Procedure Code. Please indicate how these rules and procedures are compatible with international human rights law, including the right to freedom of expression and the right to freedom of peaceful assembly as well as the protection of human rights defenders and civil society against judicial harassment.
5. Please indicate what measures have been taken to ensure that human rights defenders and civil society organisations in Indonesia are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any kind.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Matthew Gillett
Vice-Chair of the Working Group on Arbitrary Detention

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), acceded to by Indonesia on 23 February 2006, which guarantees the right of every individual to liberty and security of the person, to freedom of opinion and expression, freedom of peaceful assembly, and freedom of association as enshrined in articles 9, 19, 21 and 22.

The ICCPR imposes the obligation on States parties "to respect and to ensure" all the rights in the Covenant (art. 2(1)); to take legal and other measures to achieve this purpose (art. 2(2)); and to pursue accountability and provide effective remedies for violations of Covenant rights (art. 2(3)). The obligation of States parties regarding the right to freedom of peaceful assembly thus comprises these various elements, although the right may in some cases be restricted. States are obliged not to prohibit, restrict, block, disperse or disrupt peaceful assemblies without compelling justification, nor to sanction participants or organizers without legitimate cause (CCPR/C/GC/37).

Furthermore, "States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1]. The right to freedom of peaceful assembly is, moreover, a valuable tool that can and has been used to recognize and realize a wide range of other rights, including economic, social and cultural rights. It is of particular importance to marginalized individuals and groups. Failure to respect and ensure the right of peaceful assembly is typically a marker of repression" (CCPR/C/GC/37).

Article 19 of the ICCPR guarantees the right to hold opinions without interference and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, and restrictions must always be “the least intrusive instrument among those which might achieve their protective function” ([CCPR/C/GC/34, para. 34](#)).

Article 19(3) may never be invoked to justify the muzzling of any advocacy of democratic tenets and human rights (para. 23). Nor, under any circumstance, can an attack on a person, because of the exercise of their freedom of opinion or expression, including such forms of attack as arbitrary arrest and torture, be compatible with article 19 (para. 23). The Human Rights Committee also explicitly noted that the penalization of a media outlet or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression (para. 42).

Article 20(2) ICCPR prescribes that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Yet, this prohibition, that may entail restrictions of free expression, has a high threshold as it requires the fulfilment of three components: a) advocacy of hatred; b) advocacy which constitutes incitement and c) incitement likely to result in discrimination, hostility or violence (A/67/357, para. 43).

The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence establishes a six-part threshold test which includes carefully analysing the context, the speaker’s position within society, the intent, the content and form of the speech, the extent of the speech act and the likelihood of leading to harm, including imminence. The Rabat Plan of Action requires the courts to “determine that there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognizing that such causation should be rather direct”.

We would like to draw to the attention of you Excellency’s Government the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Furthermore, article 5(a), establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: to meet or assemble peacefully; article 6(b) and c) provides that everyone has the right to freely publish, impart or disseminate to others views, information and knowledge on

all human rights and fundamental freedoms, and to study, discuss, form and hold opinions on the observance of these rights. article 12(1) and (3), provides for the right to participate in peaceful activities against violations of human rights and fundamental freedoms, as well as for the right to be protected effectively under national law in reacting against, or opposing, through peaceful means, activities and acts that result in violations of human rights and fundamental freedoms.