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Indonesia: Shi'a leader imprisoned for blasphemy must be released

The Indonesian authorities must immediately and unconditionally release Tajul Muluk, a Shi'a Muslim religious leader from East Java, who was today sentenced to two years' imprisonment for blasphemy by the Sampang District Court. Amnesty International considers Tajul Muluk to be a prisoner of conscience, imprisoned solely for the peaceful exercise of his right to freedom of thought, conscience and religion.

Tajul Muluk was displaced with over 300 other Shi'a villagers on 29 December 2011, when an anti-Shi'a mob of some 500 people attacked and burned houses, a boarding school and a Shi'a place of worship in Nangkrenang village, Sampang, Madura island. Only one person was charged and sentenced to three months' imprisonment for the attacks.

Afterwards most of the Shi'a displaced by the attack returned to Nangkrenang village. But Tajul Muluk and about 20 other villagers, including his family, were prevented from returning to the village by the attackers, who reportedly threatened to kill them if they returned, and by the police.

On 1 January 2012 a religious decree (*fatwa*) was issued by the Sampang branch of the Indonesia Ulema Council (MUI) about what they described as Tajul Muluk's "deviant teachings", and two days later a police report was filed against him. On 16 March, the East Java regional police charged Tajul Muluk with blasphemy under Article 156(a) of the Indonesian Criminal Code, and with "offensive actions" under Article 335 of the Code. The indictment accused Tajul Muluk of telling his followers that the Qur'an is not the authentic text of Islam. His trial began at the Sampang District Court on 24 April 2012 and he was sentenced to two years in prison on 12 July 2012 under Article 156(a). Following the verdict Tajul Muluk reportedly said he would lodge an appeal.

Amnesty International continues to receive reports of attacks and intimidation against religious minorities in Indonesia, including Shi'a, Ahmadiyya and Christian communities. This latest verdict sends a chilling message to Indonesia's Shi'a community, and other religious minority groups who are merely trying to practice their faith openly.

That Tajul Muluk was charged and imprisoned for the peaceful exercise of his right to freedom of thought, conscience and religion is itself a violation of his human rights, and should never have taken place. Moreover, Amnesty International has received credible reports of threats and intimidation of witnesses surrounding his trial. Several expert witnesses did not deliver testimony to the court for fear of harassment from anti-Shi'a groups. There are further concerns that Tajul Muluk has been harassed while in detention.

Amnesty International believes the charges and sentence are in contravention of Indonesia's obligations under the International Covenant on Civil and Political Rights (ICCPR) particularly Article 18, which protects an individual's right to freedom of thought, conscience and religion and Article 19, which guarantees the right to freedom of opinion and expression.

The sentence is also in contravention of Article 28E (1) of the Indonesian Constitution which provides that every person shall be free to choose and to practice the religion of his/her choice.

The UN Special Rapporteur on Freedom of Religion or Belief has emphasized that religion or belief is to be interpreted in the broad sense and that human rights protection is not limited to members of traditional religions and belief. The content of a religion or belief should be interpreted by the worshippers themselves.

Furthermore, the UN Human Rights Committee, in its General Comment 34 on Freedom of Opinion and Expression, is strongly critical of blasphemy laws and states that it is impermissible for “such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith”.

Amnesty International continues to be concerned about Article 156(a) of the Criminal Code created by the Presidential Decision Number 1/PNPS/1965 concerning the prevention of religious abuse and/or defamation which imposes a prison sentence “for whosoever in public intentionally expresses their views or engages in actions that in principle incite hostilities and considered as abuse or defamation of a religion embraced in Indonesia”. The laws continue to be used to imprison people for as long as five years, simply because they have peacefully exercised their right to freedom of expression or their right to freedom of religion. They are often used to target individuals who belong to minority religions, faiths and opinions, and particularly those who adhere to interpretations of Islam that are not sanctioned by the government.

The laws are fundamentally incompatible with Indonesia’s obligation under international human rights law and violate legally binding provisions on freedom of expression, conscience and religion, equality before the law and freedom from discrimination.

The organization urges the Indonesian authorities to repeal the Presidential Decision and Article 156(a) of the Criminal Code.