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## **Aceh rape victim to be caned, shariah official insists**

By Nurdin Hasan & Kennial Caroline Laia on 10:40 am May 07, 2014

Jakarta Globe (07.05.2014) / <http://www.thejakartaglobe.com/news/aceh-rape-victim-caned-shariah-official-insists/> - A woman in Aceh who was gang raped last week after being accused of having extramarital sex now faces the indignity of a public caning for the offense of having an affair.

"We want the couple to be caned because they violated the religious bylaw on sexual relations," Ibrahim Latif, the head of the Shariah office in the eastern town of Langsa, said of the woman and her companion, a 40-year-old married man, who were raided by a group of men last Wednesday night at the woman's home.

The woman was **raped by the eight vigilantes**, three of whom have since been arrested. Her companion was tied up and beaten. The pair were also doused with sewage by the attackers, who later took them to the Shariah police, or Wilayatul Hisbah.

Ibrahim said the fact that the woman had been raped would not be taken into consideration in determining the punishment for the religious crime that she was accused of committing.

"They have to be [caned] as a form of justice because the rapists will also be processed, but in a criminal court," he said. "Besides, they've confessed to having sex on several previous occasions, even though the man is married and has five children."

Langsa Police chief Adj. Sr. Comr. Hariadi and the chief of detectives Adj. Comr. M. Firdaus were not immediately available for comment.

Under the partial Shariah exercised in Aceh, the woman and her companion face up to nine strokes of the cane each. The rapists would have faced the same number of lashes had they been dragged through the Shariah process.

Three of them, including a 13-year-old boy, have been arrested by police, who are still hunting for the five others.

They are accused of gang raping the woman after barging into her house late last Wednesday and accusing her of having illegal sexual relations with the man.

After assaulting the man and raping the woman, they marched the pair to the Shariah police. It was only during their interrogation of the victim that officers found out she had been raped.

### **'Harsher punishments'**

An official from Nahdlatul Ulama, the country's largest Islamic organization, has backed the call to cane the couple, but says the rapists must also face Shariah charges in addition to criminal ones.

Teungku Faisal Ali, the head of the NU's Aceh chapter, told the Jakarta Globe that "the punishment for the mob that raped the victim must be much harsher because they have set back efforts to uphold Shariah in Aceh."

He also urged residents to leave Shariah enforcement up to the WH and not enforce the regulations themselves.

"If anyone sees any violation of Shariah, they must report it to the Shariah police, in accordance with the prevailing standards and procedures," Faisal said.

He bemoaned what he called the increasing prevalence of mob violence in Aceh, particularly against those accused of Shariah violations.

This is not the first case in Aceh of a rape being committed against a woman accused of inappropriate conduct with an unrelated male.

A 20-year-old university student was **raped by three Shariah police officers** in Langsa in January 2010 after being caught riding on a motorcycle with her boyfriend.

The town's Shariah police chief, Syahril, was subsequently fired and two of the perpetrators were later **sentenced to serve eight years** in prison each. The third perpetrator has not been caught.

### ***Different laws***

Ismail Hasani, a scholar at Jakarta's Syarif Hidayatullah State Islamic University, said that the Shariah law system in Aceh had long been a subject of fierce debate.

"When we talk about law in Aceh, we talk about three different systems that are not clearly delineated: common law, Shariah law and national law. There is no boundary," he said. "Looking at this case, based on common law, the woman, even though she is a victim, still has to accept punishment. But when we take the national law perspective, she primarily is a victim who needs protection."

Ismail, who is a program manager at the Setara Institute for Democracy and Peace, said that Aceh's Shariah law system was dangerous in the sense that it had lead to victim blaming.

He said it was unjust to view the woman only as a suspected adulterer after what she had been through.

"This is also a case of rape. She has rights," he said. "This is hypocrisy which is fostered continuously by Acehnese elites with a political view of Islam."

"Sure, the law has to be enforced, but a punishment like caning is excessive.... The punishment is imposed based on sexual imagination instead of legal facts," he said. "Historically, caning in Islam is implemented strictly based on strong evidence. But in Aceh, it is done arbitrarily. The enforcement of the Shariah law is done based on prejudice and even for political reasons."

### **Central government's role**

Arimbi Heroepoetri of the National Commission on Violence against Women (Komnas Perempuan) said the difference between rape and adultery should be made clear.

"And law enforcers must understand that the woman, as a gang-rape victim, must be traumatized," she said. "The rape case must be prioritized. This issue of sexual abuse is urgent. They cannot leave the problem unsolved for too long."

She said that the survivor needed healing, not punishment.

"She cannot just be caned right after being raped by eight men," she said.

Ismail said that the unfair implementation of Shariah law could lead to widespread legal discrimination.

"There has to be a clear stance from the central government. We should not see the special autonomy of Aceh [which allows it to implement partial Shariah law] as special autonomy without boundaries," he said. "Not every citizen in Aceh agrees with the current legal system. Some of them are being repressed by the law. So there has to be a debate among citizens and with the regional government in order to formulate a more humane Islamic law."

"We have to remember that justice is everyone's right, and it is not happening at the moment in Aceh."

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### **Indonesian town bans women straddling motorbikes**

Australian Broadcasting Company (04.01.2013) - A town in Indonesia is banning women from straddling motorcycles, saying it is improper and against Islam.

Women in the town of Lhokseumawe will be told from Monday they cannot straddle a motorcycle or scooter, especially when sitting behind a man, and instead must ride side-saddle.

The mayor of the town, which is under strict Islamic sharia law, says the regulation is to protect women's morals.

"[It] is to maintain women's dignity and good image," said Suaidi Yahya.

But the move has drawn criticism from the country's biggest Islamic body, the Ulema Council, which say the Koran does not mention how to ride motorcycles.

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### **Ahmadiyah members in Batam are threatened, ill-treated and illegally arrested with the acquiescence of the police**

*The Asian Human Rights Commission (AHRC) has received information regarding intimidation from the Islamic Defenders Front (Front Pembela Islam, FPI) towards Ahmadiyah in Batam. Short after the religious minority group held*

**its Friday prayer on 27 April 2012, the FPI came to Nagoya building (Ruko Nagoya) where the group members regularly hold its religious activities. The FPI forcibly took the leader and two members of the group to the police where, under threats and intimidations and with the acquiescence of the police, the leader of Ahmadiyah Batam was forced to sign an agreement saying that the Ahmadiyah group will not hold any religious activities in Ruko Nagoya.**

AHRC (25.05.2012) - Some members of Ahmadiyah in Batam conduct their religious and organisational activities in a three-floor building in Komplek Nagoya Square (Ruko Nagoya) in Batam. On 27 April 2012 at around 1.30pm, the leader of the group, Mubaligh Nasrun, heard that there were noises coming from the first floor. A group of people as appearing to be members of the FPI, a fundamentalist Islamic group got into the building while repeatedly yelling 'Ahmadiyah is deviant'. The FPI managed to reach the second floor where it met Mubaligh Nasrun, an Ahmadiyah member and asked him 'who is the leader of the group?' to which Mubaligh Nasrun replied, 'I am'. He was later dragged by the FPI to another part of the second floor and was forced to sit on the floor to prevent him running away. Mubaligh Nasrun told the FPI that they should talk about things calmly but instead the group responded by hitting him on his head with a broomstick until the stick was broken. Mubaligh Nasrun was also subject to beatings with bare hands as well as threats. A member of the FPI, for instance, asked him whether Mubaligh Nasrun wanted him to cut the Mubaligh's throat.

While some of the FPI members were intimidating, threatening Mubaligh Nasrun, some others were taking books, Qurans and pictures of the Fourth Ahmadiyah's Khalifah. Mubaligh Nasrun and two other members of the Ahmadiyah, Suwandi and Arief, were later forcibly taken to the Barelang District Police Station by the FPI in its car.

In the police station, the three Ahmadiyah members received more intimidation and threats by the FPI who demanded the police to detain Mubaligh Nasrun and the other Ahmadiyah members or to close down Ruko Nagoya where the Ahmadiyah holds its activities. The other option that FPI offered was that Mubaligh Nasrun and other members have to declare that they are no longer Ahmadiyahs. The Deputy Head of the Community Empowerment Unit of Barelang District Police, Kompol Suyanto, was present during the negotiations between the FPI and the Ahmadiyah members at the police station yet he failed to take steps to stop the intimidation directed against Mubaligh Nasrun and his fellow Ahmadis. The Head of Batam Religious Tolerance Forum, a representative of the Indonesian Ulema Council (MUI) and the Head of Jamaah Ahmadiyah Indonesia (JAI) in Batam were contacted and asked to come to the police station as well. Due to intimidation and threats directed against the members of the organisation he leads, the Head of JAI in Batam signed an agreement which consented that the Ahmadiyah members to stop conducting any activities in Ruko Nagoya. Mubaligh Nasrun, Suwandi and Arief who were taken forcibly to the police station by the FPI were detained until 5am on the next day. As time of writing, the Ahmadiyah members have not started performing any activities in Ruko Nagoya and have been conducting their religious activities in their own houses.

JAI Batam is still consulting the JAI central office to decide if it will pursue any legal venue in relation to the intimidation and threats directed to it.

#### ***Additional information***

Article 14 paragraph (1) point i of the Indonesian Law No. 2 Year 2002 on the Indonesian National Police establishes that one of the police's main duties is to protect the life, properties, society and the environment from any kind of attacks or disruptions. In discharging such duty, the police are obliged to refrain from any discrimination practice.

This obligation is stipulated in the Chief of the Indonesian National Police's Regulation No. 8 Year 2009 which one of articles read that 'in accordance with the principle of respect for human rights, every INP member in discharging his/her duties or in the course of their daily lives must protect and respect human rights, or at least ... act justly and non-discriminatory.'

However, this obligation is rarely fulfilled by the police when it comes to cases regarding attacks towards the Ahmadiyah communities in Indonesia. A local NGO, Lembaga Studi dan Advokasi Masyarakat (Institute for Policy Research and Advocacy, ELSAM) reported that Ahmadiyah is the most persecuted religious groups in Indonesia. In 2011, 54\% of freedom of religion cases in Indonesia is concerning the Ahmadiyah. The full report in English can be downloaded [here](#). Despite this fact, those who committed violence against the Ahmadiyah is hardly punished proportionately. Twelve people who beat three Ahmadiyah members to death last year were only sentenced to less than a year imprisonment. In other cases, the perpetrators got off scot-free.

In Indonesia, the Ahmadiyah is prohibited to disseminate any interpretation and religious activities which are not in accordance with the mainstream Islam's teachings. This prohibition is stipulated in the 2008 Joint Decree issued by the Minister of Religious Affair, the Attorney General and the Home Minister. Any dissemination of interpretation which is not in accordance with the teachings of mainstream Islam in Indonesia is considered as religious blasphemy, which is criminalised under Law No. 1/PnPs/1965 which was later adopted in Article 156a of the Indonesian Penal Code. The provision carries a maximum punishment of five years imprisonment.

Under the Indonesian Penal Code, what the FPI has committed towards Ahmadiyah members in this case amount to crimes, The intimidation and threats it directed to Mubaligh Nasrun and other Ahmadiyah members in Batam are prohibited under Article 336 of the law which carries maximum five years imprisonment. The act of taking Mubaligh Nasrun, Suwandi and Arief to the police illegally should be considered as abduction which is a crime under Article 328 and is subject to a maximum 12 years imprisonment. The FPI personnel should also be held responsible for properties destruction and theft for taking books, pictures and Quran owned by the Ahmadiyah members.

### **Suggested action**

Please write to the listed authorities below urging them to ensure the police and other law enforcement officials to provide protection towards the Ahmadiyah in Batam. Please also urge the relevant authorities to repeal any discriminatory laws, policies and practices which jeopardise the rights of minorities.

The AHRC is also writing separately to the UN Special Rapporteur on Freedom of Religion or Belief, the UN Independent Expert on Minority Issues and the UN Special Rapporteur on the Promotion and Protection of the right to freedom of opinion and expression.

### **SAMPLE LETTER:**

Dear \_\_\_\_\_,

### ***INDONESIA: Ahmadiyah members in Batam are threatened, ill-treated and illegally arrested with the acquiescence of the police***

**Name of affected community:** Ahmadiyah group in Batam

**Name of victims:** Nasrun, Suwandi, Arief

**Names of alleged perpetrators:** Members of Islamic Defenders Front (FPI) Batam,

Head Deputy of the Community Empowerment Unit of Barelang District Police

**Date of incident:** 27 April 2012

**Place of incident:** Batam

I am writing to voice my deep concern regarding the intimidations and threats directed by the Islamic Defenders Front (FPI) against Ahmadiyah in Batam. I received the information saying on 27 April 2012 the members of FPI came to Ruko Nagoya where some of Ahmadiyah Batam's members conduct their religious and organisational activities. The FPI members beat Mubaligh Nasrun, the leader of Ahmadiyah in that place, on his head with a broomstick that the stick got broken. Mubaligh Nasrun was also subject to beatings and threats. The FPI members also took away all the books, Qurans and pictures of the Fourth Ahmadiyah's Khalifah before finally took Mubaligh Nasrun and two other Ahmadiyah members, Suwandi and Arief, to the Barelang District Police Station.

I was told that, at the police station, the three Ahmadiyah members received further intimidation and threats. The FPI demanded the police to detain Mubaligh Nasrun, Suwandi and Arief or to close down Ruko Nagoya therefore stopping the Ahmadiyah from conducting their religious activities there. Another option which was offered by the FPI was that for Mubaligh Nasrun, Suwandi and Arief to declare that they are no longer part of Ahmadiyah. The Deputy Head of Community Empowerment of Barelang District Police, Kompol Suyanto, was present during this 'negotiation' process yet he did not take any measures to stop the intimidation directed against the Ahmadiyah members. The Head of Batam Religious Tolerance Forum (Forum Kerukunan Umat Beragama, FKUB), a representative of the Indonesian Ulema Council (Majelis Ulama Indonesia, MUI) and the Head of Jamaah Ahmadiyah Indonesia (JAI) in Batam were later asked to come to police station. The intimidation and threats against the Ahmadiyah members were continued that the Head of JAI Batam was left with no option but to sign an agreement saying that the Ahmadiyah members will not hold any activities in Ruko Nagoya anymore.

I am deeply concerned with the fact that the police had not taken any measures to stop and prevent the intimidation directed by the FPI against Ahmadiyah in Batam. I am aware that what FPI has done against the Ahmadiyah in this case amounted to crimes thus should be punished under the Indonesian Penal Code. As far as I am concerned, since the FPI is not a part of law enforcement officials in Indonesia, its act taking Mubaligh Nasrun and other Ahmadiyah members to the police station should be considered as abduction and an unlawful deprivation of liberty. I am also aware that taking somebody's properties are considered as theft under Article 362 of the Penal Code that FPI members who took away the books and Qurans from Ruko Nagoya should be tried and punished in accordance with the law. The intimidation and threats directed by the FPI to the Ahmadiyah members should be treated as a crime as prohibited by Article 336 of the Penal Code which carries a maximum punishment of five years imprisonment.

One of the main duties of the Indonesian police is to protect the members of the society without any discrimination. Therefore, I urge you to ensure that the police and other law enforcement officials providing adequate protection towards the Ahmadiyah in Batam and other parts of Indonesia. Those who committed violence, threats, intimidations or any other crimes against the Ahmadiyah should be tried and punished in accordance with the law. I also urge you to repeal any laws and policies which discriminate minorities in Indonesia, including the 2008 Joint Decree of the Religious Affairs Minister, the Attorney General and the Home Minister that bans the activities of Ahmadiyah in Indonesia.

I look forward to seeing your swift, effective and adequate responses in this matter.

Yours sincerely,

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**PLEASE SEND YOUR LETTERS TO:**

1. Mr. Susilo Bambang Yudhoyono  
The President of Indonesia  
Jl. Veteran No. 16  
Jakarta Pusat  
INDONESIA  
Tel: +62 21 3863777, 3503088.  
Fax: +62 21 3442223

2. Ms. Harkristuti Harkrisnowo  
General Director of Human Rights  
Ministry of Law and Human Rights  
Jl. HR Rasuna Said Kav. 6-7  
Kuningan, Jakarta 12940  
INDONESIA  
Tel: +62 21 525 3006, 525 3889, 526 4280  
Fax: +62 21 525 3095

3. Mr. Suryadharma Ali  
Religious Affair Minister  
Jl. Lapangan Banteng Barat No. 3-4  
Jakarta 10710  
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Tel: +62 21 3811679  
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4. Mr. Gamawan Fauzi  
Home Minister  
Jl. Merdeka Utara No. 7, Jakarta 10110  
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5. Mr. Basrief Arief  
Attorney General  
Jl. Sultan Hasanudin No. 1  
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6. Gen. Timur Pradopo  
Chief of the Indonesian National Police  
Markas Besar Kepolisian Indonesia  
Jl. Trunojoyo No. 3  
Kebayoran Baru  
South Jakarta 12110  
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Tel: +62 21 3848537, 7260306, 7218010  
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7. Kombes Pol. Karyoto  
Chief of Beralang District Police

Baloi Satpam Jl. Jendral Sudirman No. 4  
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8. Mr. Ifdhal Kasim  
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## **Indonesian radio station closed by police, manager sentenced to jail**

Freedom House (14.09.2011) / HRWF (19.09.2011) - <http://www.hrwf.net> On September 13, Indonesian radio station Radio Era Baru was shut down by police and had equipment confiscated. The raid is widely thought to be because of the station's Falun Gong ties and outspoken views against China for its human rights abuses. On September 6, station manager Gatot Machali was sentenced to six months in jail and a nearly \$6,000 fine for broadcasting without a license. Machali had ignored repeated requests from the government to halt broadcasts. Radio Era Baru is linked to the Falun Gong religious movement, and as a result, Machali claims the Chinese government has pressured Indonesian authorities to stop broadcasts. Authorities have on numerous occasions –in 2007 and 2008—imposed restrictions on the station, refused to grant it a license, and in March 2010 shut the station down.

The closure of Radio Era Baru is part of the Chinese Communist Party's broader attempt to wipe out the Falun Gong, seeing the spread of the independent spiritual movement as a threat to the CCP's power. In August 2011, China requested Vietnam detain two Falun Gong members for running an "unauthorized" radio station. While, independent media in Indonesia, including Falun Gong practitioners, have a significant presence, strict licensing rules mean that thousands of television and radio stations operate illegally. Journalists in Indonesia have continued to face threats, harassment or murder because of their reporting on sensitive issues, including Ridwan Salamun who was killed in August 2010, and Banjir Ambarita who was injured when stabbed in March 2011.

Freedom House condemns the closure of Radio Era Baru and calls upon the Indonesian government to ensure that Radio Era Baru and other stations are permitted to broadcast without fear of closure or retaliation.

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