

URGENT ACTION

18 MONTHS IN PRISON FOR MOSQUE NOISE COMPLAINT

Meliana, an ethnic Chinese Buddhist woman, has been convicted of blasphemy and sentenced to 18 months in prison for complaining about the loudspeaker volume at a local mosque. Amnesty International considers her a prisoner of conscience who must be immediately and unconditionally released.

Meliana was convicted of blasphemy and sentenced to 18 months in prison by the Medan District Court in North Sumatra Province on 21 August 2018. She had been arrested and detained on 30 May and later charged with blasphemy under Article 156(a) of Indonesia's Criminal Code. Meliana and her lawyers filed an appeal to the Medan High Court on 27 August.

Meliana was accused of "insulting Islam" for her complaint two years earlier about the loudspeaker volume of a mosque near her house in Tanjung Balai City, North Sumatra Province. On the morning of 22 July 2016, Meliana told a neighbour that, for the last eight years, the sound of a nearby mosque was becoming too loud. Her statement was later misinterpreted by many people in the city and she was accused of expressing objection to the call for prayer (*adzan*) from the mosque.

The accusation against her gave rise to anger among local residents, resulting in dozens of protesters gathering in front of Meliana's house on 29 July 2016 and demanding that she be brought to justice and prosecuted. Meliana and her family went to the local village administrative official for protection, however the authorities told her to apologise to the mosque council and move to a new house if she felt disturbed by the mosque loudspeaker. The local administrative official then called the police, who took Meliana and her family to a local sub-district police office. Subsequently, the police detained Meliana for 22 days and released her without any charges.

Since early 2017, there have been many calls and protests from local Muslim organizations to prosecute Meliana for committing blasphemy. In March 2018, the Tanjung Balai Police Force named her as a suspect for blasphemy and two months later she was arrested and detained by the Tanjung Balai Prosecutor Office. Blasphemy laws have often been used to stifle freedom of expression and freedom of religion in Indonesia, the country with the largest Muslim population in the world. Meliana is the fifth person in Indonesia to be convicted of blasphemy in 2018.

Please write immediately in English or Bahasa Indonesia, or your own language urging the authorities to:

- Immediately and unconditionally release Meliana and all other individuals who have been convicted of blasphemy;
- Ensure that Meliana and her family are given effective protection from violence or threats of violence;
- Repeal or amend all blasphemy provisions set out in laws and regulations which violate the rights to freedom of expression and of thought, conscience and religion.

PLEASE SEND APPEALS BEFORE 10 OCTOBER 2018 TO:

Ministry of Law and Human Rights
Minister Yasonna Laoly
Ministry of Law and Human Rights
Jalan H.R. Rasuna Said Kav 6-7
Jakarta Selatan, DKI Jakarta
Indonesia 12940
Fax: +62 (0)21 525 3004
Email: rohumas@kemenkumham.go.id
Salutation: Dear Minister

The Head of Judicial Commission
Prof. Dr. Aidul Fitriadi Azhari
Judicial Commission
Jalan Kramat Raya No. 57
Jakarta Pusat, DKI Jakarta
Indonesia 10450
Fax: +62 (0)21 390 6215
Email: kyri@komisiyudisial.go.id
Salutation: Dear Mr.

And copies to:
Chairperson of the National Human Rights Commission (Komnas HAM)
Mr. Ahmad Taufan Damanik
National Human Rights Commission
Jalan Latuharhary No. 4B
Jakarta Pusat, DKI Jakarta
Indonesia 10310
Fax: +62 (0)21 392 5227
Email: info@komnasham.go.id

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY DR RIZAL SUKMA, Embassy of the Republic of Indonesia, 30 Great Peter Street, SW1P 2BU, 02074997661, Fax 02074914993.

kbri@btconnect.com, www.indonesianembassy.org.uk, Salutation: Your Excellency **Please check with your section office if sending appeals after the above date.**

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ADDITIONAL INFORMATION

At around 11pm on 29 July 2018, after vandalising Meliana's home, the crowd took to the streets and destroyed or burned at least eight Buddhist places of worship, medical clinics, and office buildings. As a result of the violence, eight protesters were sentenced by the Tanjung Balai District Court to one to four months imprisonment for destroying and burning the buildings.

The blasphemy provision in Article 156(a) of the Criminal Code criminalizes "any person who in public deliberately expresses his/her feelings or engages in actions that in principle is hostile and considered as abuse or defamation of a religion embraced in Indonesia". The law has been used to prosecute and imprison people for as long as five years simply because they have peacefully exercised their right to freedom of expression or to freedom of thought, conscience or religion, which are protected under international human rights treaties to which Indonesia is a state party.

Although the blasphemy law (Presidential Decree No. 1/PNPS/1965) and Article 156(a) of the Criminal Code were enacted in 1965, they were used to prosecute only around 10 individuals between 1965 and 1998, when former President Suharto was in power during which time the right to freedom of expression was severely curtailed. Between 2005 and 2014 Amnesty International has recorded at least 106 individuals who have been prosecuted and convicted under these laws.

For example, Jakarta Governor Basuki Tjahaja Purnama, better known as "Ahok", was convicted and immediately sentenced to two years' imprisonment by the North Jakarta District Court on 9 May 2017 for blasphemy. Ahok, who is a Christian, was accused of 'insulting Islam' in a video posted on the internet after he announced publicly that he would re-run as the governor of Jakarta candidate in the 2017 election. (See <https://www.amnesty.org/en/documents/asa21/6213/2017/en/> for more information.) Another prisoner of conscience, Alnoldy Bahari, has been sentenced to five years imprisonment for Facebook posts deemed to be insulting of Islam and for allegedly spreading 'hate speech' under the country's repressive Electronic Information and Transaction Law. He was convicted of blasphemy and sentenced to five years in prison and a fine of 100 million rupiah (app. US\$ 7,150) by the Pandeglang District Court in Banten Province, Indonesia on 30 April 2018. (See <https://www.amnesty.org/en/documents/asa21/8348/2018/en/> for more information.)

While states are permitted under international human rights law to impose certain restrictions on the exercise of freedom of expression where this is demonstrably necessary for protection of the rights of others, this cannot be used to protect religions and other belief systems from criticism. The right to freedom of religion or belief protects the rights of individuals and groups but does not protect religions as such or the religious sensibilities of their adherents and does not include the right to have a religion or a belief that is free from external or internal criticism or ridicule. The right to freedom of expression applies to information and ideas of all kinds including those that may be deeply offensive. Accordingly, laws which prohibit expression on this basis, such as blasphemy or religious insult laws, are incompatible with the right to freedom of expression, and such provisions should be repealed.

Amnesty International has previously called on the Indonesian authorities to repeal all blasphemy provisions set out in laws and regulations which impose restrictions on the right to freedom of expression and thought, conscience and religion which go beyond those permitted under international human rights law and standards, or to amend such provisions to bring them into compliance with Indonesia's international human rights obligations. (See <https://www.amnesty.org/en/documents/asa21/018/2014/en/> for more information.)

Name: Meliana

Gender m/f: f

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