

# URGENT ACTION

## PRISON SENTENCE UPHELD FOR MOSQUE NOISE COMPLAINT

**The High Court has upheld the 18-month prison sentence for Meliana who was convicted of blasphemy after complaining about the loudspeaker volume at a local mosque. Preparation for an appeal to the Supreme Court is underway. Amnesty International considers her a prisoner of conscience who must be immediately and unconditionally released.**

The High Court of North Sumatera, Indonesia has upheld the Tanjung Balai Lower Court decision to sentence **Meliana** to 18 months in prison for allegedly committing blasphemy. The judges concluded on 25 October 2018 that the prison sentence serves justice for society, despite nationwide critics about the High Court's backing of the lower court's repressive application of the law of blasphemy in the country. Meliana's lawyer along with national NGOs are preparing the cassation appeal to the Indonesian Supreme Court against the sentence as soon as possible.

Meliana, an ethnic Chinese Buddhist woman, was accused with 'insulting Islam' after complaining about the volume of the loudspeaker used by a local mosque in Tanjung Balai, North Sumatera. Her statement was misinterpreted by many people in the city and she was accused of expressing objection to the call for prayer (adzan) from the mosque. Meliana was convicted of blasphemy on 21 August 2018 by the Medan District Court in North Sumatra Province.

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:**

- Immediately and unconditionally release Meliana and all other individuals who have been convicted of blasphemy;
- Monitor the cassation appeal process and ensure that court independence and the right to a fair trial are upheld;
- 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 25 DECEMBER 2018 TO:**

The Head of Judicial Commission  
Dr. Jaja Ahmad Jayus, S.H., M.Hum.  
Judicial Commission  
Jalan Kramat Raya No. 57  
Jakarta Pusat, DKI Jakarta  
Indonesia 10450  
Fax: +62 (0) 213906215  
Email: kyri@komisiyudisial.go.id  
**Salutation: Dear Mr.**

The Chairman of 3<sup>rd</sup> Commission of  
Legislative Body  
Drs. Kahar Muzakir  
House of People's Representatives  
Jalan Jenderal Gatot Subroto, Senayan  
Jakarta, Indonesia 10270  
Fax: +62 (0) 21 5715566  
Email: set\_komisi3@dpr.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  
Email: info@komnasham.go.

**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

**Please check with your section office if sending appeals after the above date.** This is the first update of UA 161/18 Further information:

<https://www.amnesty.org/en/documents/asa21/9007/2018/en/>

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### ADDITIONAL INFORMATION

At around 11pm on 29 July 2016, 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. This outrage was triggered by the allegation that Meliana has complained the call for prayer (*adzan*) from which she was charged with Article 156(a) of the Criminal Code.

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.)

Further information on UA: 161/18 Index: ASA 21/9359/2018 Issue Date: 13 November 2018