

# URGENT ACTION

## HUMAN RIGHTS DEFENDERS FACING UNJUST TRIAL

On 6 March 2023, the Jakarta Metropolitan Regional Police handed over its investigation findings of an alleged defamation case involving two human rights defenders, Fatia Maulidiyanti and Haris Azhar, to the Attorney General's Office for further investigation and prosecution. On 17 March 2022, Fatia Maulidiyanti and Haris Azhar were charged with defamation under the 2008 Electronic Information and Transactions Law, after having been reported by the Coordinating Minister for Maritime and Investment Affairs on 22 September 2021. Fatia Maulidiyanti and Haris Azhar now face a possible four-year sentence if found guilty.

**TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER**

**Reda Manthovani**

Chief of DKI Jakarta Attorney General's Office

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Dear Mr. Manthovani,

I am deeply concerned about two human rights defenders, **Fatia Maulidiyanti** and **Haris Azhar**, accused of violating the defamation provision of the Electronic Information and Transactions Law (ITE). They now face prosecution after the police submitted the findings of their investigations to the Attorney General's Office on 6 March 2023. These criminal proceedings against Fatia Maulidiyanti and Haris Azhar add to a long list of cases against human rights defenders in Indonesia involving the unjustified suppression of freedom of expression.

Fatia Maulidiyanti and Haris Azhar were reported to the police by Luhut Binsar Pandjaitan, the Coordinating Minister for Maritime and Investment Affairs, who also sued the two human rights defenders 100 billion rupiahs each (approximately USD 7 million).

The allegations relate to a video on Haris Azhar's YouTube channel, in which he and Fatia Maulidiyanti discuss a report titled "A Political Economy Study of Military Placement in Papua: The Case of Intan Jaya," which suggests alleged connections between military operations and mining activities in Intan Jaya Regency, in Papua. The report, launched on 12 August 2021, was written by nine organizations, including a human rights organization (KontraS) led by Fatia Maulidiyanti.

It is very distressing to learn that Fatia Maulidiyanti and Haris Azhar face criminal charges and a possible four-year sentence, simply for exercising their right to freedom of expression, which is guaranteed under both international and national law.

Therefore, I urge you to:

- Drop the charges and close the investigation against Fatia Maulidiyanti and Haris Azhar;
- Ensure that all human rights defenders can carry out their peaceful activities without harassment, intimidation, arbitrary detention, or fear of reprisals, in line with the UN Declaration on Human Rights Defenders;
- Amend the ITE Law to decriminalize defamation and ensure that defamation is only treated as a civil matter.

Yours sincerely,

## ADDITIONAL INFORMATION

Fatia Maulidiyanti and Haris Azhar are Indonesian human rights defenders. Fatia Maulidiyanti is the coordinator of the Commission for the Disappeared and Victims of Violence (KontraS), an organization established during Indonesia's authoritarian period that is well-known for exposing human rights violations and advocating victims' rights. Haris Azhar is a lawyer, lecturer, and founder of Lokataru Foundation, an up-and-coming human rights organization.

On 20 August 2021, Haris Azhar uploaded a video on his YouTube channel containing a conversation between himself and Fatia about a report that mentioned that some companies allegedly were involved in exploring the Wabu Block gold mine in Intan Jaya, Papua. The report was completed by nine organizations, including KontraS, led by Fatia Maulidiyanti, launched on August 12, 2021, and is titled "A Political Economy Study of Military Placement in Papua: The Case of Intan Jaya." The report suggests a relationship between concessions granted by the Indonesian government to some companies and the irregular military deployment in Papua. Luhut Binsar Pandjaitan, former military general and incumbent Coordinating Minister of Maritime and Investment Affairs, was allegedly a minority shareholder in one of the companies mentioned in the report.

Following the video's release, Luhut Binsar Pandjaitan sent two subpoenas against Fatia Maulidiyanti and Haris Azhar on 26 August and 2 September 2021. According to his spokesperson, the subpoenas invited Fatia Maulidiyanti and Haris to explain the motive, intention, and purpose behind the video's content. Luhut Binsar Pandjaitan felt that the footage disseminates untrue opinions, character assassinations, and fake news.

On 29 August 2021, Haris Azhar explained that the data mentioned in the dialogue came from the report produced by multiple civil society organizations, which outlined the alleged involvement of several military figures in the mining industry.

On 21 October 2021, the Greater Jakarta Metropolitan Regional Police (Jakarta's Police) summoned Fatia Maulidiyanti, Haris Azhar, and Luhut Binsar Pandjaitan for mediation. Fatia Maulidiyanti and Haris Azhar fulfilled the summons, while Luhut Binsar Pandjaitan did not. As a result, the mediation was postponed indefinitely.

On 17 March 2022, Fatia Maulidiyanti and Haris Azhar were accused of defamation and charged under Article 27 paragraph (3) of the ITE Law. On 21 March 2022, both were summoned by Jakarta's Police for the investigation process.

On the morning of 6 March 2023, Jakarta's Police summoned Fatia Maulidiyanti and Haris Azhar to inform them about the case file's completion and to perform a medical check-up before handing the case file over to the East Jakarta District Court, a municipality-level prosecution unit that works under the auspices of Jakarta's Attorney General Office, on the same day.

Fatia Maulidiyanti and Haris Azhar's legal team said the trial could start as early as 13 March 2023.

Amnesty International Indonesia has recorded at least 1,021 human rights defenders were prosecuted, arrested, attacked, and intimidated by various actors from January 2019 to December 2022. Meanwhile, there are at least 332 people that have been charged under the ITE Law, most of them accused of defamation, between January 2019 and May 2022.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** [English or Indonesian]

You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 11 May 2023

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

**NAME AND PRONOUN:** Haris Azhar(he/him) and Fatia Maulidiyanti (she/her) (pronouns)

**LINK TO PREVIOUS UA:** <https://www.amnesty.org/en/documents/asa21/5461/2022/en/>

## ADDITIONAL TARGETS

Ir. H. Joko Widodo

President of the Republic of Indonesia

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Call:

- Establish a legal framework to protect human rights defenders from the risk of being criminalized for exercising their rights to promote and defend human rights
- Amend the Electronic Information and Transactions Law according to international human rights standards

Prof. Dr. H. Mohammad Mahfud Mahmodin

Coordinating Minister of Political, Legal, and Security Affairs

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Call: Ensure that the Attorney General's Office drop the case by releasing the Stipulation of Termination of Prosecution (Surat Ketetapan Penghentian Penuntutan, SKP2)

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Dr Desra Percaya

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Salutation: Your Excellency