

INDONESIA

Indonesia's blasphemy laws have become a focus of debate ever since Basuki Tjahaja Purnama (Ahok), the hard-charging Christian governor of Jakarta, was indicted on charges of insulting the Quran and sentenced to a prison term in November 2016.

Since 2004, more than 106 people were convicted on blasphemy charges. They are usually not Christians or even unorthodox Muslims, but self-proclaimed prophets and their apostles. The Milah Abraham movement, also (wrongly) known as Gafatar, is one of them. More than of their 25 members have been convicted on blasphemy charges over the last decade, including 11 who spent time in prison.

Buddhist

MEILANA

Age: 44 years old

Date and place of arrest: 30th May 2018, Tanjung Balai

Charges: Offending Islam; blasphemy – saying that the azan of a nearby mosque was too noisy and harmful to her ears.

Article of the criminal/civil/administrative code: Criminal Code Articles 156 and 156a of the Penal Code

First court decision: On 13th August 2018 the Madan District Court in North Sumatra sentenced her to eighteen months imprisonment.

Statement of defendant: She will appeal the verdict.

Other information: On 22th July 2016 she complained to her neighbor Kasini that the Adzan broadcast was too noisy. Her complaint spread a rumor that a chinese woman wanted to ban the adzan. An investigating group from the mosque took offense at her statement and the rumors turned into riots, which caused Buddhist temples to be burned. General opinion is that she is charged on basis of hearsay, and that the North Sumatra's MUI should review their fatwa.

Sources: <https://bit.ly/2nZuPau>

<https://bit.ly/2MVcp8O>

<https://bit.ly/2wffzL4>

<https://bit.ly/2MAunOO>

Milah Abraham/ Gafatars

Andri CAHYA

Date and place of arrest: On 25th May 2016

Charges: Blasphemy and treason, membership in the banned Fajar Nusantara Movement (Gafatar)

Article of the criminal/civil/administrative code: Criminal Code Articles 107 and 110.

Article 107: An attempt undertaken with the intent to cause a revolution shall be punished by a maximum imprisonment of fifteen years. Leaders and originators of such attempts shall be punished by life imprisonment or a maximum imprisonment of twenty years.

Article 110: Intent or preparation to commit a crime related to rebellion [Criminal Code Article 104-108], attempt to obstruct or defeat a measure taken by the government to prevent or suppress such a crime, or attempt to coerce others to become involved in such a crime, shall be punishable by a maximum imprisonment of six years.

Last court decision: On 7th March 2017, he was sentenced to three years in prison by the East Jakarta District Court.

Other information: He was arrested alongside Ahmad MUSHADDEQ and Mahful Muis TUMANURUNG. The three were leaders of the Gafatar movement, which was banned in March 2016. He is the Gafatar community's spokesperson and vice president.

Source: <http://www.thejakartapost.com/news/2016/05/26/legal-aid-lawyers-protest-against-detention-of-ex-gafatar-members.html> , <http://www.ibtimes.co.uk/indonesia-imprisons-leaders-deviant-religious-group-blasphemy-charges-1610334>

Ahmad MUSHADDEQ

Date and place of arrest: On 25th May 2016

Charges: Blasphemy, treason, membership in the banned Fajar Nusantara Movement (Gafatar)

Article of the criminal/civil/administrative code: Criminal Code Articles 155a and 156a.b.

Criminal Code Article 155a punishes any person who disseminates, openly demonstrates or puts up a writing in which feelings of hostility, hatred or contempt against the Government of Indonesia are expressed (maximum imprisonment of four years and six months or a maximum fine of three-hundred Rupiahs¹).

Article 156a.b of the criminal code prescribes a maximum prison sentence of five years to those who deliberately give expression to feelings or commit an act in public that intend to prevent a person from adhering to any religion.

Last court decision: On 7th March 2017, he was sentenced to five years in prison by the East Jakarta District Court.

¹ Approximately €4

Other information: He was arrested alongside Mahful Muis TUMANURUNG and Andri CAHYA. The three were leaders of the Gafatar movement, which was banned in March 2016. He is the Gafatar community's founder.

Source: <http://www.thejakartapost.com/news/2016/05/26/legal-aid-lawyers-protest-against-detention-of-ex-gafatar-members.html> , <http://www.ibtimes.co.uk/indonesia-imprisons-leaders-deviant-religious-group-blasphemy-charges-1610334>

Veni ORINANDA

Date and place of arrest: On 30th December, 2015 in Yogyakarta

Charges: Abducting physician Rica Tri Handayani and forcing her to join the Gafatar movement

Statement of the defendant: She denied the kidnapping and claimed that through her arrest the authorities wanted to destroy the religious Gafatar movement.

Article of the criminal/civil/administrative code: Criminal Code Article 332 (Being guilty of an abduction of a female, (a) with a maximum punishment of seven years in prison if the abductee is underage, taken without consent of her parents, but with consent from the abductee, whether or not the intent was to control the abductee either within or outside of a marriage; (b) with a maximum punishment of nine years in prison if the abduction was conducted using tricks, force, threat of force, whether or not the intent was to control the abductee either within or outside of a marriage)

Last court decision: In October 2016, she was sentenced to one year imprisonment by the Sleman District Court.

Other information: Veni was arrested alongside her husband Eko PURNOMO. Rica testified in court that she was not abducted but went to West Kalimantan of her own free will and even bought her own plane ticket.

Source: <http://www.thejakartapost.com/news/2016/10/01/gafatar-couple-sentenced-prison.html>

Eko PURNOMO

Date and place of arrest: On 30th December, 2015 in Yogyakarta.

Charges: Abducting physician Rica Tri Handayani and forcing her to join the Gafatar movement

Statement of the defendant: He denied the kidnapping and claimed that through his arrest the authorities wanted to destroy the religious Gafatar movement.

Article of the criminal/civil/administrative code: Criminal Code Article 332 (Being guilty of an abduction of a female, (a) with a maximum punishment of seven years in prison if the abductee is underage, taken without consent of her parents, but with consent from the abductee, whether or not the intent was to control the abductee either within or outside of a marriage; (b) with a maximum punishment of nine years in prison if the abduction was

conducted using tricks, force, threat of force, whether or not the intent was to control the abductee either within or outside of a marriage)

Last court decision: In October 2016, he was sentenced to two years imprisonment by the Sleman District Court.

Other information: Eko was arrested alongside his wife Veni ORINANDA. Rica testified in court that she was not abducted but went to West Kalimantan of her own free will and even bought her own plane ticket.

Source: <http://www.thejakartapost.com/news/2016/10/01/gafatar-couple-sentenced-prison.html>

Mahful Muis TUMANURUNG

Date and place of arrest: On 25th May 2016

Charges: Blasphemy, treason, and membership in the banned Fajar Nusantara Movement (Gafatar)

Article of the criminal/civil/administrative code: Criminal Code Article 107 (An attempt undertaken with the intent to cause a revolution shall be punished by a maximum imprisonment of fifteen years. Leaders and originators of such attempts shall be punished by life imprisonment or a maximum imprisonment of twenty years), and Article 110 (Intent or preparation to commit a crime related to rebellion [Criminal Code Article 104-108], attempt to obstruct or defeat a measure taken by the government to prevent or suppress such a crime, or attempt to coerce others to become involved in such a crime, shall be punishable by a maximum imprisonment of six years. This does not include individuals who intend to prepare or facilitate political changes in the general sense. If the planned for crime is successfully carried out, the punishment may be doubled).

Last court decision: On 7th March 2017, he was sentenced to five years in prison by the East Jakarta District Court.

Other information: He was arrested alongside Ahmad MUSHADDEQ and Andri CAHYA. The three were leaders of the Gafatar movement, which was banned in March 2016. He is the Gafatar community's president.

Source: <http://www.thejakartapost.com/news/2016/05/26/legal-aid-lawyers-protest-against-detention-of-ex-gafatar-members.html> , <http://www.ibtimes.co.uk/indonesia-imprisons-leaders-deviant-religious-group-blasphemy-charges-1610334>

Unknown Faith

Andrew HANDOKO

Date and place of arrest: In October 2016 in Surakarta

Charges: Blasphemy

Articles of the criminal/civil/administrative code: Article 156a of the Criminal Code (Any person who publicly and deliberately gives expression to feelings or commits an act, a. which

principally have the character of being at enmity with, abusing or staining a religion, adhered to in Indonesia; b. with the intention to prevent a person to adhere to any religion based on the belief of the almighty God, shall be punished by a maximum imprisonment of five years.)

Last court decision: On 20th March 2017, he was sentenced to 1 ½ years in prison by the Semarang District Court in Central Java.

Other information: He was indicted for allegedly tearing up a Qur'an at his ex-girlfriend's boarding house in Surakarta in October 2016. The trial was moved to Surakarta for security reasons.

Source: <http://www.thejakartapost.com/news/2017/03/20/man-sentenced-to-1-5-years-in-prison-for-blasphemy.html>

Protestant

Abraham BEN MOSES / Saifuddin IBRAHIM

Age: 53 years

Place of residence: Tangerang, Java

Date of arrest: On 5th December 2017

Last court decision: Four years imprisonment and 50 million rupiah (\$ 3,500)

Charges: Blasphemy

Sources: <https://bit.ly/2J353hS>

Basuki Tjahaja PURNAMA (AHOK)

Age: 50 years

Date of birth: In June 1966

Charges: Blasphemy

Statement of defendant: He claims that he made reference to a Quranic verse to highlight political/religious discrimination.

Article of the criminal/civil/administrative code: Article 156a (By a maximum imprisonment of five years shall be punished any person who deliberately in public gives expression to feelings or commits an act, a. which principally have the character of being at enmity with, abusing or staining a religion, adhered to in Indonesia)

First court decision: On 9th May 2017, he was sentenced to two years in prison by the North Jakarta District court.

Place of detention: Cipinang Detention Center

Other Information: He was the governor of Jakarta. He made a speech quoting a verse from the Quran in a political speech about voting. Some were offended and reported him to the police. Both his lawyer and the public prosecutors filed appeals because of the longer conviction sentence that they believe to be politically and religiously motivated. He is set for early release from prison on the 24th of January 2019 due to good behaviour (4 months early).

Source: <http://bit.ly/2q14WHq> , <http://nyti.ms/2r8wjyk> , <https://bit.ly/2C84vD8>

Christians

Martinus GULO

Age: 21 years

Date and place of arrest: In Medan in March 2018

Charges: Blasphemy for misusing information by offending believers through his Facebook account, spreading hatred or animosity by insulting the prophet Muhammad

Article of the criminal/civil/administrative code: Article 28 Verse 2 from Law no. 11/2008 on Information and Electronic Transactions (ITE)

Statement of defendant: He made the post because he was upset that his own religion was criticized online

First court decision: On the 24th of July 2018 he was sentenced to four years in prison and to pay a fine of one billion rupiah (\$ 70,000) or spend an additional 6 months in jail

Sources: https://www.persecution.org/idop-2018/petition/?utm_source=newsletter&utm_medium=email&utm_content=Sign%20the%20Petition&utm_campaign=2018-11-12%20Indonesia%20Petition%20Blast , <https://www.rappler.com/world/regions/asia-pacific/indonesia/bahasa/englishedition/208189-martinus-gulo-jailed-facebook-post-insulting-islam-indonesia> , <http://www.arabnews.com/node/1345256/world> , <https://coconuts.co/jakarta/news/indonesian-man-sentenced-4-years-insulting-prophet-muhammad-facebook/>

Alnoldy BAHARI

Age: 39 years

Place of residence: Pandeglang, West Java province

Date and place of arrest: On the 1st of December 2017

Charges: Blasphemy* for insulting Islam and for allegedly spreading hate speech for posting allegedly offensive statements on Facebook, at the complaint of the militant Islamic Defenders Front leader. In the statements he wrote that he has experienced the presence of God and questioned the faith of other Muslims.

Article of the criminal/civil/administrative code: Article 28(2) of the Electronic Information and Transaction (ITE) Law (and initially article 156(a) of the Criminal Code)

First court decision: On the 30th of April 2018 he was sentenced to five years imprisonment and a fine of 100 million rupiah (ca. US\$ 7,150) by the Pandeglang District Court

Other information: *According to coconuts.co (see source below) the blasphemy charge was subsequently dropped, and he was sentenced on the charge of hate speech under the ITE law

Sources: <https://www.amnesty.org/en/documents/asa21/8348/2018/en/> ,
<https://www.hrw.org/news/2018/10/25/human-cost-indonesias-blasphemy-law> ,
<http://www.currenttriggers.com/world/indonesia-man-facebook-islam/> ,
<https://coconuts.co/jakarta/news/indonesian-man-jailed-5-years-facebook-post-allegedly-insulting-islam/>