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The Shi'a Muslims of Indonesia

Muhammad Haji

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Executive Summary

*"It's time that we declare jihad [holy war] against them [Shi'a Muslims]... We should not tolerate them anymore"*¹

With the acquiescence of local and provincial officials, extremist groups such as the Islamic Defenders Front and the Anti-Heresy Front, pose a threat to Indonesia's religious minorities. Shi'a Muslims in particular are increasingly being targeted, having been subjected to violent mob attacks that have resulted in fatalities and displacements, hate speech and arbitrary arrests, which according to various organisations, including Human Rights Watch and Amnesty International, violates their freedom of religion and expression.²

Most recently, during a convention organised by the Anti-Shi'a Alliance calls were made for "jihad", violence and sectarian purging against Shi'a Muslims. Thousands of people were in attendance, including several government officials and religious leaders, such as the staff of West Java's Governor, Ahmad Heryawan,¹ and the head of the Indonesia Council of Ulema (Indonesia's highest Islamic authority), Ahmad Cholil Ridwan, who sits in the MUI council.³ Members of the Anti-Heresy Front, one of the organisations that make up the Alliance, wore black ski masks and camouflage clothing whilst wearing shirts that were printed with the words "Heresy Hunters". The convention resulted in an anti-Shi'a declaration, which included measures to maximise the prevention of the proliferation of "heretical" teachings by Shi'a Muslim followers, and demands from the Indonesian government to ban Shi'a Islam.⁴

Harfenist speculates that the convention and the origins of the Anti-Shia Alliance are linked to the upcoming elections in Indonesia.⁵ In 2012, Muhammad Al Khatthath, the leader of the Muslim Community Forum (FUI), declared that his organisation would support any candidate who would commit to purging Shi'a Muslims from Indonesia.⁶ At the convention organised by the anti-Shi'a Alliance, Ridwan encouraged the crowd to not vote for one of the country's presidential candidates, Joko Widodo, over rumours that he may appoint Jalaluddin Rakhmat, a Shi'a Muslim, as the country's religious affairs minister.

Such remarks are accompanied by various examples of attacks against Shi'a Muslims in Indonesia, and the arbitrary arrests of their religious leaders. In 2011, Shi'a Muslims on Madura Island were attacked, when a mob set fire to their place of worship, a boarding school and various homes in the vicinity. Adequate measures were not taken by the police to protect them, failing to intervene whilst the attack was taking place. One Shi'a resident was hacked to death, and dozens were injured in August 2012, when a mob of approximately 500 people attacked Shi'a Muslims in Sampang in East Java. Thirty-five houses were set on fire, forcing Shi'a Muslims to take shelter in a forest. They were then given temporary accommodation in a sports complex, but were denied clean drinking water and food supplies.⁷

The Anti-Shia convention and the attacks on Shi'a Muslims are part of a growing trend of religious intolerance and violence in Indonesia. Viewpoints that were, for a time, repressed, have emerged into the open, including religious militancy, which has been expressed through harassment, intimidation, and violence, curtailing freedom of expression and association, which the government has not responded decisively to.⁸ The Indonesian government has tolerated extremist groups that espouse extremism such as those that form the Anti-Shia Alliance and local laws that violate religious freedom under the banner of Islamic orthodoxy. In an attempt to appease Muslim conservatives President Susilo Bambang

¹ Ahmad Heryawan is one of the leaders of the Islamist party, the Prosperity Justice Party (PKS)

Yudhoyono has allowed Shariah-based regulations to be passed to the detriment of religious minorities, including Shi'a Muslims, as part of a decentralization of power from the capital, Jakarta.⁹ Some of these regulations include not allowing women to hold onto the driver when on a motorcycle, a proposition that orders all women, including non-Muslims, to wear the veil, and the tightening of criteria for building houses of worship.¹⁰

One of the greatest obstacles to freedom of expression and opinion in Indonesia is the 1965 blasphemy law, which allows for a five-year prison sentence for expressing hostility, hatred or contempt against a religion. The blasphemy laws are vague and, therefore, open to selective interpretation and misuse.¹¹ While it is not only Shi'a Muslims who have fallen victim to the blasphemy laws, a number of key developments give cause for concern that hostilities against this particular group are intensifying. In 2012, the Ulama Council (MUI) in East Java declared Shi'a Islam to be 'blasphemous' in accordance with this law. Following this ruling, a decree was issued by the Governor of East Jakarta imposing penalties on anyone who propagates 'blasphemous teachings'.¹² This trend towards denouncing Shi'a Islam as 'blasphemous', places members of the Shia minority in direct threat of imprisonment simply for practicing or voicing their beliefs. The law has most recently been used to sentence a Shi'a religious leader, Tajul Muluk, to four years imprisonment. Amnesty International considers him a prisoner of conscience.¹³

In researching this report, the Centre for Academic Shi'a Studies (CASS) and the Al-Khoei Foundation used a variety of sources from renowned, leading organisations such as Human Rights Watch, Amnesty International, and the Bureau of Democracy, Human Rights, and Labor, as well as information that was provided by organisations based in Indonesia, such as the All Indonesian Assembly of AhlulBayt Associations (Ikatan Jama'ah AhlulBayt Indonesia, IJABI). It has been concluded that, increasingly, non-Muslim groups (see page 7), or groups within Islam that espouse interpretations of the religion that have been deemed deviant or blasphemous, have not been respected by the government.

Recommendations

To the Government of Indonesia:

- End the attacks on religious minorities. Every attack on religious minority communities should be prosecuted.
- Review of existing laws, regulations, and decrees (fatwas) on religion to identify provisions at odds with freedom of religion and freedom of conscience, followed by a timetable for revision or repeal of offending provisions.
- National outreach on basic principles of religious freedom and religious tolerance, including education programs disseminated through government media and schools, and stronger policies and responses to incitement to violence targeting religious minorities, including greater clarity on when freedom of expression crosses the line into incitement to violence and religious hatred.

To Other States:

- We call upon state agencies and law enforcement officials to examine very seriously the pattern and rising threats and violence against Shia Muslims, and to take immediate preventive and repressive measures if necessary.

To the Special Rapporteur:

- To continue to speak out against the violation of the rights of minority groups to express their opinions and beliefs without oppression, violence or intimidation.
- We welcome the Special Rapporteur's request to visit Indonesia under his official capacity. We urge him to investigate the human rights violations against the Shi'a Muslims and other minority groups in Indonesia, in particular the misuse of the blasphemy laws.

Religion and the State since Independence

With a population of 253 million, of which 87% are Muslim, Indonesia is the world's largest Muslim country.¹⁴ The state also has a long history of religious pluralism with significant Christian and Hindu populations, as well as people who identify as Buddhist, Confucian, Ahmadiyya and other religious groups. As a result, freedom of religion in Indonesia is protected within the constitution of the State. Written in 1945, Chapter XI Article 29 states:

“(1) The State shall be based upon the belief in the One and Only God. (2) The State guarantees all persons the freedom of worship, each according to his/her own religion or belief”.¹⁵

While identifying Islam as the official religion of the State, Article 29 also affirms that citizens have freedom of worship regardless of their religion or belief. This implies that all religions are protected under the Constitution, including those outside of Islam. The protection of freedom of religion is part of the ‘Pancasila’ philosophy that underpins the Constitution and is considered to be a key pillar in Indonesian national identity. The five principles of Pancasila include belief in one God, a just and civilised society, unity, democracy and social justice; the philosophy is intended to stress the values of indivisibility, interdependence and non-selectivity that are seen as part of Indonesia’s tradition.¹⁶

Having been colonised by the Dutch in the 16th Century and occupied by Japan during World War II, Indonesia declared its independence in 1945 and nationalist leader Sukarno became President.¹⁷ In 1959, Sukarno disbanded the Constitutional Assembly, revived the 1945 constitution and introduced “Guided Democracy”. In 1963 Sukarno declared himself ‘president for life’ and democratic rule did not return to Indonesia until 1999.¹⁸ It was during Sukarno’s rule that Indonesia’s controversial blasphemy law was introduced. This law continues to play a significant role in influencing how the state approaches the issue of religious pluralism. In 1965 Suharto issued a presidential decree that prohibited blasphemy, which was defined as ‘abuse’ or ‘desecration’ of a religion. The decree was immediately incorporated into the Penal Code as Article 156(a). Article 156(a) allows for a five year prison sentence for expressing hostility, hatred or contempt against a religion. However, only six religions are afforded protection under the blasphemy law: Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism.¹⁹

In 1999 Indonesia made the transition to democracy. As dissatisfaction with authoritarian rule grew mainly as a result of the 1997 Asian Financial Crisis, President Suharto – Sukarno’s successor – stepped down to make way for elections.²⁰ The shift towards democratic rule brought with it the rise of political Islam, with Islamic political parties participating in elections. However, the rise of democratic political Islam has been marred by a parallel increase in hard-line Islamist groups and communal violence between religious groups in society. This was epitomised by the 2002 bombing of a nightclub in Bali by Jemaah Islamiyah, a violent militant group.²¹ It is this rise in hard-line groups that is causing particular concern among human rights observers as one of the key drivers of anti-Shi’a sentiment in Indonesia.

An accurate account of the number of Shi’a Muslims in Indonesia is difficult to fix upon, though most estimates place the number in the region of 2 million. The Shi’a community in Indonesia can be traced back to early Arab migrants to the region, and have strong kinship ties. There was a surge in conversions of both Arabs and non-Arabs to Shi’a Islam following the Iranian Revolution in 1979, which sparked a period of greater ‘awareness’ of identity and history among Shi’as across the Muslim world. There has been a growing movement of Shi’a groups forming on university campuses, which has fed into and been fed by this Shi’a awareness or awakening. The majority of the modern Shi’a community are based in Jakarta, Bandanogh and Sowra.²²

Religious Minorities and Institutions in Indonesia

Indonesia is home to more than 1000 linguistic groups, based largely on ethnicity. Approximately 88 per cent self-identify as Muslim, 9.3 per cent as Christian, 1.8 per cent as Hindu, 0.6 per cent as Buddhist, and the rest as followers of various other religions.²³ Although there is diversity among those who identify as Muslim, Islam remains a key reference point in discussions of Indonesian politics and society.²⁴

Ethnicity also remains closely intertwined with religion. For example, the Javanese and the Sudanese, Indonesia's two largest ethnic groups, for example, are predominantly Sunni Muslim, whilst the Batak community is majority Christian.

Indonesia has the largest Muslim population of any country in the world. Approximately 13 per cent of the world's Muslims live in Indonesia.²⁵ In 2010, there were 209 million Muslims, although there is no official census on the number of Sunnis, Shi'as, or followers of other sects. The majority are Sunni Muslims, who are represented through various organisations across the political spectrum. Indonesia's two largest indigenous Sunni Muslim organisations are the Muhammadiyah and the Nahdlatul Ulama (NU). The Muhammadiyah is a Muslim reformist movement that originally sought to rid Sufi practises from Indonesian Islam.

The Muhammadiyah and the NU have had inconsistent approaches toward religious minorities. Whilst individuals from both groups tried to stop the government from issuing an anti-Ahmadiyah decree in 2008 and petitioned the Constitutional Court to revoke the blasphemy law, neither group officially opposed the 2008 decree, and remained silent on the issue, which is said to have been influential in its passage.²⁶ In East Java the NU has supported banning Shi'a Islam, and both are represented in the conservative Indonesian Ulama Council (MUI), whose leaders have issued a religious edict to ban the Ahmadiyah.

Ahmadiyya

It is believed that the Ahmadiyah faith has had a presence in Indonesia since the 1920s.²⁷ There are no statistics on the number of Ahmadi in Indonesia, however, Suryadharma Ali, the Indonesian Minister of Religious Affairs, who has said that the Ahmadiyah should be banned, estimated it has 50,000 followers. On the other hand, some media reports point to a figure of 400,000.²⁸ The Indonesian Ulama Council declared the Ahmadiyah to be heretical in a 1980 fatwa, which was reissued in 2005.²⁹ In 2008, the Council described the sect as "deviant",³⁰ and a law was passed to curtail "proselytizing" by followers of the Ahmadiyah faith.³¹

In a survey conducted in 2010, by the Setara Institute for Democracy and Peace, which polled 1,200 people in Greater Jakarta, nearly half of the respondents were found to have wanted the government to outlaw Ahmadiyya, while a fifth were in favour of curbs on the group's activities.³² In 2011, three Ahmadi were killed after being surrounded by a crowd, and attacked by young men with wooden sticks. They were pelted with rocks, with shouts of "God is great" heard. Police were seen to be not intervening in the attack, which was filmed and posted on the popular video sharing website, YouTube.³³

Christianity

Although Christians form the second largest religious group in Indonesia, they are still only a minority community in the country, consisting of approximately 22 million people, or 9.3 per cent of the population. The number of Christians in Indonesia has increased slightly since the 1970s as a percentage of the total population, rising from 7.4 per cent in 1971.³⁴

Catholicism is separated from Christianity in Indonesia, and the term Christianity often refers to Protestantism. Catholicism is treated as a separate religion. The Communion of Churches in Indonesia (PGI), which is an umbrella of Protestant churches, has 40 members, 30 of which are “ethnic Churches”, meaning that their services are conducted mainly in local languages. Indonesia’s Protestants have two smaller umbrella groups, the Indonesian Communion of Evangelical Churches (PGLI), which has 82 individual churches,³⁵ and the Indonesian Pentecostal Churches Communion (PGPI).

Catholics are organised through the Bishops’ Conference of Indonesia (KWI). The government frequently consults with PGI and KWI when it is promulgating a rule affecting religious freedom. Christians are spread unevenly throughout Indonesia, but substantial numbers are located in North Sumatra, Kalimantan, North and West Sulawesi. Christian presence in the country can be traced back to the 12th century.³⁶

The Batak ethnic group, the fifth largest ethnic group in Indonesia, is predominantly Christian, consisting of several denominations. The Batak Protestant Christian Church (HKBP) is the largest Christian church in Southeast Asia, with approximately 3.5 million churchgoers in more than 3,000 congregations across the country.³⁷

However, Indonesia’s Christian minority remain persecuted by hardliners, who have worked with local authorities to shut down churches at an average of 40 per year, which is partially the result of a controversial government decree on how houses of worship are built.³⁸ The conditions for houses of worship include gaining a recommendation from the Interfaith Communication Forum, which is comprised of some hard-line extremist groups that are against the building of churches. The affected places of worship include the Indonesian Pentecostal Church of Cianjur, the Pentecostal Movement Church and the New Covenant Christian Church.

Earlier this year, Catholics in Yogyakarta were attacked by a group of 15 people, whilst they were worshipping in a house. At least five people were injured, when eight people, who were then joined by seven more individuals, stormed into the house.³⁹

Hinduism

Hinduism is the third largest religion in Indonesia. Approximately 1.7 per cent of the Indonesian population adheres to the faith, numbering roughly 3.4 million. The majority of Hindus live on the island of Bali, which is famous for its Hindu culture. A sizeable number of Hindus also reside in Central Kalimantan and South Sumatra (Lampung).

However, not every Indonesian citizen that is categorised as a Hindu today actually is a Hindu. Due to federal law that only officially recognises six religions, Indonesians who practise animist beliefs tend to select Hinduism as their religion on mandatory identification papers. In addition, several tribal beliefs have sought affiliations with Hinduism in order to survive, while preserving their distinctiveness from Indonesia’s Balinese-dominated Hinduism.⁴⁰

Buddhism

Buddhism has a long history in Indonesia, with many temples in Java and Sumatra, including the Muaro Jambi temple built in the 7th century and the Borobudur temple near Yogyakarta, built in the 8th and 9th centuries. The majority of Indonesia’s Buddhists are ethnic Chinese who have emigrated from China to Indonesia over the past seven centuries.

⁴¹According to the 2010 census, approximately 1.5 million Indonesians are Buddhists. Most reside in Jakarta, North Sumatra, West Kalimantan, Banten, as well as Bangka and Belitung Islands.⁴²

Interestingly, Buddhists and Hindus have generally not been a focus of attention from Islamist groups, not being viewed as a threat to Islam in the same way as Christians and Jews.

Shi'a Islam

It has been suggested that many Shi'as in Indonesia were heavily influenced by the Iranian revolution in 1979, which is said to have contributed to their rise in population.⁴³ There remains no consensus on the number of Shi'a Muslims in Indonesia. According to Muhammad Jawad Mughniyya, a Lebanese Shi'a scholar, the number of Shi'as in the country in 1979 numbered approximately one million.⁴⁴ Andi Muhammad Assegaf, head of the Fatimah Foundation in Jakarta, cited the same number in 2003, whilst Dimitri Mahayana, former chairman of the national Shi'a organisation, Ikatan Jamaah Ahlulbait Indonesia (IJABI), estimated there were three million Shi'a Muslims in Indonesia.⁴⁵ Regardless of the exact figure, it is certain that Shi'as constitute a very small proportion of Indonesia's total Muslim population.

One of the main organisations that represent Shi'a Muslims in the country is IJABI, which is a national organisation that was given legal status in 2000. IJABI has 14 provincial, 48 district and 25 sub-district branches, including offices in South Sumatra, West Java, and South Sulawesi. The organisation has organised several short term programmes that are focused on religious education, career development, and youth empowerment, whilst establishing autonomous institutions such as the Association of Indonesian Ahl al-Bayt Students, the Board for Advocacy and Development of Law and Human Rights and Ahl –al-Bayt Women.

The Ministry of Religious Affairs

In addition to religious freedom being restricted by various laws and policies, a number of governmental and quasi-governmental institutions have promoted a Sunni Islamic identity in Indonesia at the expense of minority religions. For instance, the Ministry of Religious Affairs, which has branches in every province and regency, a budget of IDR37.3 trillion (US\$4.1 billion) for 2011-2012, and is the fourth largest among government agencies, has taken a strong stance against religious organisations it deems to be heretical. In 1952, the ministry set up a body to monitor and ban several spiritual movements and native faiths, and has since written decrees that limit the ability of religious minorities to build houses of worship. In 2011, Suryadharma Ali, the minister of religious affairs, mobilised anti-Ahmadiyah campaigns, calling on the Yudhoyono government to ban Ahmadiyah practises. In the same year, the ministry's East Java office was involved in supporting an MUI anti-Shi'a edict.⁴⁶

Suryadharma Ali has been outspoken against religious minorities, publicly stating that the Shi'a faith is "against Islam".⁴⁷ In addition, the ministry of religious affairs is influential in advising police and prosecutors to take legal action against individuals it deem to have insulted Islam. In the last decade, it has been involved in the vast majority of prosecutions against religious minorities in Indonesia, who have also been intimidated on a number of occasions. In 2009, the ministry pressurised a Shi'a cleric to stop religious activities in his village. The ministry led the eviction of displaced Shi'a members from a stadium where they had settled temporarily after running away from their burned hamlet.⁴⁸

Although the Ministry of Religious Affairs extends official status to six religious groups (Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism), they sometimes face administrative difficulties in establishing places of worship, obtaining identity cards, registering marriages and births, which make it more difficult to find jobs or enrol children in school.

Bakor Pakem

The Coordinating Board for Monitoring Mystical Beliefs in Society (Bakor Pakem) falls under the jurisdiction of Indonesia's Attorney General, and has traditionally sat under the intelligence division of the public prosecution office and works closely with the Ministry of Religious Affairs, the police, the military and local governments.

Bakor Pakem was originally set up to identify deviant teachings within Indonesia's six official religions, but has recently given much great focus on Islam.

Bakor Pakem has become extremely influential on government policy towards religious communities, having recommended the banning of the Al Qiyadah Al Islamiyah sect in 2007 and the banning of Ahmadiya religious propagation in 2008. More than thirty religions have been called for banning by Bakor Pakem within the last three decades, whilst it has played an active role in prosecuting religious figures it considers to be committing blasphemy.

In 2012, the organisation's branch in Sampang, organised the prosecution of Tajul Muluk, a Shi'a cleric, and was also involved with the prosecution of Hasan Suwandi, an Ahmadiya mosque guard. The conflict began as a dispute between Muluk and a Sunni cleric.

The Indonesian Ulama Council

The Indonesian Ulama Council (MUI), is Indonesia's top Muslim clerical body, and functions as a quasi-government agency that issues fatwas and helps shape government policy in Islamic matters. The MUI is partly funded via the Ministry of Religious Affairs or through provincial and local budgets, but is not independently audited by state auditing bodies.⁴⁹ Its central board in Jakarta consists of 273 individuals, including representatives of Islamic organisation in Indonesia, such as the Muhammadiyah, the NU, and Persatuan Islam thus providing a forum for the growing numbers of hard-line Islamist groups.⁵⁰

The MUI has refused Shi'a and Ahmadiyah members, and has declared both groups heretical. It has no institutional oversight, however some Muslim organisations have at times criticised the MUI if they believed the Council was not meeting their expectations.

As a national institution, the MUI was established in 1975 under President Suharto, as a bridge between Muslim leaders and the state. Its main activities were to issue fatwas, strengthen Muslim brotherhood, represent Muslims in meetings with other religious organisations, and act as a liaison between clerics and government officials.⁵¹ However, its remit expanded in the closing years of the Suharto regime, when it began issuing fatwas on a variety of issues including halal certification, Islamic Sharia-based bank monitoring and supervision, Sharia finance mediation, and environmental issues.⁵² Nonetheless, the MUI has also been at odds with Suharto over a number of issues. In July 2012, the MUI issued a number of fatwas against pluralism, secularism, liberalism, interfaith marriage, and all alternative interpretations of religious texts,⁵³ and was given implicit endorsement by President Yudhoyono, who opened the 2005 MUI congress, suggesting that his administration would work closely with it.⁵⁴

Law or policy in Indonesia is sometimes based on fatwas that have been issued by the Indonesian Ulama Council. The Ministry of Religious Affairs works very closely with the Council. Suryadharma Ali, the Minister of Religious Affairs, who is also on the Council's advisory board, made reference to an MUI fatwa in declaring Ahmadiyah heretical, when suggesting a ban on the sect.⁵⁵

At the same time, local MUIs have pushed for national fatwas by issuing their own at the provincial or regency level. For instance, in September 2007, the MUI in West Sumatra issued a fatwa against the Al Qiyadah Al Islamiyah sect. Their local fatwa eventually reached the national MUI, which issued a ban on Al Qiyadah in 2007.⁵⁶ On January 2, 2012, the local MUI office in Sampang regency issued an anti-Shi'a fatwa.⁵⁷ The provincial East Java MUI followed suit on January 21, 2012, asking the national MUI to declare Shi'a Islam heretical and recommending that the Indonesian government act against the spread of Shi'a teachings.⁵⁸

Most individuals who have fatwas against them end up being prosecuted under the blasphemy law.⁵⁹ MUI clerics issue fatwas first and later contact the police via the Bakor Pakem channel. These fatwas precede the blasphemy prosecutions and are quoted as evidence in blasphemy trials.

Some MUI offices, especially in Muslim-majority areas, have opposed the opening of new churches. The national MUI also opposed the construction of GKI Yasmin (an Indonesian Christian Church in the Jasmine Garden housing complex, or Gereja Kristen Indonesia Taman Yasmin) in Bogor, a Jakarta suburb, even though the Supreme Court had ordered the Bogor government to reopen the church. The national MUI has supported the Bogor mayor in defying the Supreme Court decision.⁶⁰

Key Groups and Extremist Organisations

Jemaah Islamiyah (JI) and Hilal Ahmar Society Indonesia (HASI)

JI is a South-East Asian militant group with links to al-Qaeda, which has a long track record of bomb attacks in Indonesia and elsewhere in the region. The most deadly were the near simultaneous blasts in two Bali nightclubs on 12 October 2002, which killed over 200 people.

The group has also been implicated in attacks against Christian targets in eastern Indonesia, a suicide bombing outside the Australian embassy in Jakarta in September 2004, and a similar strike at the JW Marriot hotel, also in Jakarta, in August 2003.⁶¹

Despite disengaging from violence in Indonesia after 2007, JI has largely facilitated the growing numbers of Indonesians going or trying to go to Syria. From late 2012 to January 2014, Hilal Ahmar Society Indonesia (HASI), JI's humanitarian wing, sent ten delegations to Syria that provided various violent, extremist groups in Syria with funds and medical assistance. This was apparently designed to open channels for increased direct participation in the war in Syria.⁶²

According to some, the Syrian conflict has inspired a wave of anti-Shi'a rhetoric within Indonesia, potentially as a result of "Saudi-funded organisations" within the country.⁶³ HASI has actively propagated and framed the Syrian conflict as not just a civil war, but as part of a wider struggle against international Shi'a forces that seek to annihilate Sunni populations and establish a Shi'ite state in Greater Syria and the Gulf. Abu Bakar Ba'asyir, who is said to be one of the founders of JI, is a highly vocal cleric who has incited hatred against Shi'a Muslims, and has dubbed the regime in Syria as 'worse than infidels and Jews', which is used as a justification for armed jihad in Syria.⁶⁴

HASI actively holds public discussions and book launches about Shi'as to raise funds for the Syrian conflict. Given its humanitarian posture, HASI has been able to target mainstream Muslim groups including the youth organisation of Muhammadiyah. By selling anti-Shi'a and anti-Assad narratives, HASI has managed to collect a considerable amount of donations for jihadist forces in Syria.⁶⁵

The Islamic Defenders Front

The Islamic Defenders Front (FPI) has positioned itself as the country's moral police, consisting of young Muslim men who target nightclubs, churches, and embassies of foreign countries they consider hostile to Islam. In 2008, the FPI targeted followers of the Ahmadiyah sect, wounding them with wooden sticks, and in 2011, stabbed a Christian pastor nearly to death. To date, they continue to burn down churches in Muslim-majority neighbourhoods.

Indonesia's Blasphemy Laws

Any person who deliberately, in public, expresses feelings or commits an act; which principally has the character of being of hostility, hatred, or contempt against a religion adhered to in Indonesia; with the purpose of preventing a person adhering to any religion based on the belief of the Almighty God shall be punished up to a maximum imprisonment of five years. ⁶⁶ - Article 156a, Indonesian Criminal Code

Religious blasphemy is prohibited in Indonesia under Law No. 1/PNPS/1965, whilst provisions have also been adopted within the Penal Code (KUHP) under Article 156a. ⁶⁷ In Indonesia, more than 120 individuals- including Shi'a Muslims- have been detained under blasphemy provisions in the criminal code. Although designed to protect adherents of the aforementioned six faiths, followers of minority faiths in Indonesia are increasingly being prosecuted on indefinable blasphemy charges that violate their freedom to practice their faith. Within the last eight years, more than a dozen people have been prosecuted for blasphemy. In 2005, Yusman Roy, a Muslim preacher, was sentenced to two years' imprisonment for reciting a Muslim prayer in Indonesian Malay. According to the Indonesia Ulama Council (MUI), Yusman Roy was guilty of tarnishing the purity of the Arabic-language supplication. In 2008, Dedi Priadi and Gerry Lufthy Yulistira, a father and son, and members of Al-Qiyadah Al-Islamiyah, a sect of Sufism, were sentenced to three years' imprisonment by the Padang court in West Sumatra on blasphemy charges. In 2011, Antonius Richmond Bawengan, a Christian, was sentenced to five years' imprisonment for distributing a leaflet titled "Three Sponsors, Three Agendas, Three Results" in Kranggan, a small village near Temanggung. In 2012, Andreas Guntur, the leader of the spiritual group, Amanat Keagunganllahi, was sentenced to four years' imprisonment, whilst his group was condemned by the MUI, which issued a fatwa against it in 2009. ⁶⁸

Although Indonesia's blasphemy laws and the provisions that have been adopted within the Penal Code do not overtly encourage attacks or intimidation against members of religious minority groups, mainstream religious groups often legitimize their persecution through these regulations. At the same time, Indonesia's blasphemy laws are increasingly affecting its Shi'a Muslim minorities that have resulted in arbitrary arrests. Some Shi'a Muslims currently remain imprisoned, having been sentenced on blasphemy charges. In July 2012, a Shi'a religious leader from East Java, Tajul Muluk, was arrested and sentenced to two years' imprisonment on such charges. Upon appeal, his sentence was increased to four years. His arrest followed reports that a religious decree (fatwa) had been issued by the Sampang branch of the MUI related to what was described as Muluk's "deviant teachings". ⁶⁹ Tajul Muluk was displaced with over 300 other Shi'a villagers on 29 December 2011, after an anti-Shi'a mob of some 500 people attacked and burned houses, a boarding school and a Shi'a place of worship in Nangkrenang village, Sampang, Madura island.

Activists challenged the blasphemy law at the Constitutional Court in 2009. The petitioners argued that the law violates the constitutional right to freedom of expression and Indonesia's obligations under international human rights treaties. ⁷⁰ Two government ministers called as witnesses, Minister of Religious Affairs, Suryadharma Ali, and Minister for Law and Human Rights, Patrialis Akbar, argued in favor of the law's constitutionality, saying that Muslim mobs would potentially attack religious minorities if the blasphemy laws were overturned. On April 19, 2010, the court ruled 8 to 1 that the blasphemy laws legally restricted minority religious beliefs because it allows for the maintenance of "public order", finding that religious minorities could become targets of violence by intolerant members of the public who were not sufficiently educated to support religious pluralism.

In addition to justifying blasphemy laws that have led to arbitrary arrests, the government has not curtailed mob violence,

hindered the activities of extremist groups or held leaders responsible for such acts of societal violence. These include vandalism, discrimination, or intimidation. The Indonesian government continues to fund the Coordinating Board for Monitoring Mystical Beliefs in Society (Bakor Pacem) and the Indonesian Ulemas Council (MUI), which have called for the widespread enforcement of Indonesia's blasphemy laws.⁷¹ Both groups have called for a ban on Ahmadiyya religious activities and religious pluralism. Most recently, the head of the MUI, Ahmad Cholil Ridwan, was seen at the convention organised by the Anti-Shia Alliance, calling for a "purge" of the country's Shi'a Muslims.⁷²

Case Studies

“On Alert”, 1984

In 1984, the Indonesian Ulama Council issued a fatwa calling on Indonesian Muslims to be “on alert” for Shi’a teachings.⁷³ Fears shared by officials in Jakarta of the growing numbers of Shi’a Muslims, became public through a cable that was released by WikiLeaks in 2007, which emphasized the role of a small, radical, pro-Iranian group, referred to as the “Qum Group”, that allegedly continues to influence IJABI (the All Indonesian Assembly of Ahlulbait Associations).

The fatwa was issued one year after the MUI denounced Inkar Sunnah (a Sunnah rejectionist group). According to the Council, Shi’a Islam in Indonesia was foundationally different from Sunni Islam, based on the following:

- Shi’a Muslims reject hadith (the deeds and sayings of the Prophet Muhammad), that was not narrated by the Prophet’s close family;
- Shi’a Muslims believe that their saints are protected by God against committing sin;
- Shi’a Muslims reject the legality of Islamic consensus, without the presence of their saints;
- Shi’a Muslims believe that the establishment of an Islamic state is a religious obligation;
- Shi’a Muslims do not recognize the leadership of Abu Bakr, Umar, and Uthman.

With reference to the above, the MUI advised all Indonesian Muslims to be “on alert” for Shi’a teachings, in the form of a fatwa, that was issued precisely five years after the Iranian revolution in 1979. The government of Indonesia viewed Shi’a Islam as being synonymous with the revolution, fearing that an uprising in Iran would inspire Indonesian Muslims to overthrow their own government. Another consideration for the Indonesian government in 1984 was the challenge to national development, supposedly posed by the discourse on Shi’a Islam that grew as a result of the revolution in Iran, considering that the Suharto regime was a close partner of the US.⁷⁴

Imprisonment of Tajul Muluk, 2012

In July 2012, Tajul Muluk, a Shi’a cleric in Sampang, Madura Island, was arrested, tried and sentenced to two years in prison, by the Sampang court on blasphemy charges.⁷⁵ In September 2012, the East Java high court changed the sentence to four years, and upheld this in January 2013, after Muluk appealed the ruling.

Members of Muluk’s community said they were victims of a hate campaign waged by Islamist militants, noting that the police had been unwilling to act on their behalf. Human Rights Watch urged Indonesia to release Muluk, and repeal its blasphemy laws, which it said posed a threat to religious freedom, stating that Muluk’s case was an example of a “growing trend of violence and legal action against religious minorities”.⁷⁶

Madura Island Attack, 2012

In August 2012, more than 1,000 Sunni villagers attacked Shi’as in Nangkernang village in Sampang regency on Madura Island. Mobs burned down houses owned by Shi’a Muslims, and hacked one Shi’a resident to death, wounding another, and displacing more than 500. Shi’as were told that they could only return home if they first converted to Sunni Islam.

The group was moved to Sampang stadium, before the Indonesian Ulama Council and the Council of Ulama Brotherhood in Madura held a mass prayer at the Sampang square, and declared that Sampang should be purified from so-called “blasphemous Shi’as”, and demanded that the government remove the Shi’a Muslims seeking refuge in the stadium. More

than 8,000 Sunni Muslims joined the mass prayer, which began with a speech by Ali Karrar, the head of a Salafist madrassa, in which he called Shi'as blasphemers.

Local government officials then ordered the Shi'a Muslims to board awaiting buses and trucks, which took them to an apartment building that had been prepared in Sidoarjo, three hours away, on the island of Java.⁷⁷

Anti-Shi'a Convention, 2014

In what was the world's first anti-Shi'a convention, which took place in Jakarta in April 2014, calls were made for violence and sectarian purging.

Thousands of people attended the convention, including several government officials, which was organised by the Anti Shia Alliance, consisting of various groups, including the the Anti-Heresy Front, led by Ahmad bin Zein al-Kaff.

The FPI presents itself as an ally of government security forces, responsible for anti-Shi'a hate speech and the stabbing of a Christian pastor.

In response to growing levels of prostitution, gambling and alcohol consumption, the FPI was set up as a vigilante network. The group is now positioned as Indonesia's moral police, which self-proclaims to be a 15 million strong "pressure group".⁷⁸ Tardjono Abu Muas, head of the Anti Shia Alliance, is quoted to have said, "Our government should be like the Malaysian government", referring to Malaysia's 1996 fatwa, that effectively outlawed Shi'a Islam, and the country's crackdown on Shi'a beliefs and practises in the country.⁷⁹

Recommendations

To the Government of Indonesia:

- End the attacks on religious minorities. Every attack on religious minority communities should be prosecuted.
- Review of existing laws, regulations, and decrees (fatwas) on religion to identify provisions at odds with freedom of religion and freedom of conscience, followed by a timetable for revision or repeal of offending provisions.
- National outreach on basic principles of religious freedom and religious tolerance, including education programs disseminated through government media and schools, and stronger policies and responses to incitement to violence targeting religious minorities, including greater clarity on when freedom of expression crosses the line into incitement to violence and religious hatred.

To Other States:

- We call upon state agencies and law enforcement officials to examine very seriously the pattern and rising threats and violence against Shi'a Muslims, and to take immediate measures to address the rise of intolerance towards religious minorities in Indonesia.

To the Special Rapporteur:

- To continue to speak out against the violation of the rights of minority groups to express their opinions and beliefs without oppression, violence or intimidation.
- We welcome the Special Rapporteur's request to visit Indonesia under his official capacity. We urge him to investigate the human rights violations against the Shi'a Muslims and other minority groups in Indonesia, in particular the misuse of the blasphemy laws.

Appendix I
Population in Indonesia by Religion 2010

No.	Provinsi/ Province	Agama / Religion							Jumlah/ Total
		Islam/Moslem	Kristen/ Christian	Katolik/ Chatolic	Hindu/ Hindus	Buddha / Buddhist	Khonghucu/ Confucius	Lainnya / Others	
1	Aceh	4,427,874	44,459	5,263	351	7,551	58	1,013	4,486,570
2	Sumatera Utara	9,284,958	2,904,970	502,093	13,601	270,368	4,060	5,026	12,985,075
3	Sumatera Barat	4,739,034	62,947	40,748	761	642	1,710	155	4,845,998
4	Riau	5,142,416	230,434	81,412	3,762	75,183	6,478	3,346	5,543,031
5	Jambi	2,966,736	73,426	26,243	381	17,303	4,529	-	3,088,618
6	Sumatera Selatan	7,284,097	49,223	38,460	39,749	33,441	1,171	261	7,446,401
7	Bengkulu	1,679,291	19,460	6,007	7,454	1,181	-	-	1,713,393
8	Lampung	7,248,727	75,734	68,401	163,281	39,434	188	351	7,596,115
9	Bangka Belitung	1,053,535	13,649	17,606	800	85,439	52,019	-	1,223,048
10	Kepulauan Riau	1,448,229	107,065	55,037	2,345	62,683	10,257	82	1,685,698
11	DKI Jakarta	8,425,500	449,505	391,922	12,330	255,032	49,723	4,187	9,588,198
12	Jawa Barat	42,078,858	523,290	323,454	25,628	57,472	12,987	137	43,021,826
13	Jawa Tengah	31,448,855	509,966	336,046	23,271	48,777	7,564	6,208	32,380,687
14	DI Yogyakarta	3,194,905	92,818	155,107	5,210	4,099	-	251	3,452,390
15	Jawa Timur	36,668,339	383,746	273,889	96,527	42,528	5,797	5,185	37,476,011
16	Banten	10,208,694	159,876	129,708	5,750	109,122	3,446	27,434	10,644,030
17	Bali	454,668	39,130	16,381	3,371,658	8,698	707	185	3,891,428

18	Nusa Tenggara Barat	4,391,781	6,913	9,018	62,420	26,550	174	-	4,496,855
19	Nusa Tenggara Timur	405,268	1,614,443	2,550,539	1,718	1,676	1,354	104,318	4,679,316
20	Kalimantan Barat	2,574,777	395,378	1,130,814	2,226	231,070	57,722	1,252	4,393,239
21	Kalimantan Tengah	1,622,394	386,082	39,463	87,103	-	565	66,991	2,202,599
22	Kalimantan Selatan	3,516,938	25,646	22,447	36,771	18,164	1,585	4,569	3,626,119
23	Kalimantan Timur	3,020,182	337,006	162,701	15,825	11,498	2,273	1,101	3,550,586
24	Sulawesi Utara	649,747	1,499,408	77,787	27,545	2,064	455	8,931	2,265,937
25	Sulawesi Tengah	2,101,127	400,216	31,393	88,621	6,347	1,107	4,607	2,633,420
26	Sulawesi Selatan	7,132,497	665,908	125,905	58,396	34,933	1,926	12,987	8,032,551
27	Sulawesi Tenggara	2,129,412	29,466	27,373	43,300	770	248	-	2,230,569
28	Gorontalo	1,018,398	11,769	1,805	5,914	614	85	-	1,038,585
29	Sulawesi Barat	928,445	182,606	15,834	31,090	360	-	-	1,158,336
30	Maluku	699,851	715,498	97,964	4,429	387	853	12,420	1,531,402
31	Maluku Utara	776,986	244,548	13,251	407	112	174	-	1,035,478
32	Papua Barat	184,782	450,032	124,678	579	100	322	364	760,855
33	Papua	378,851	1,813,151	651,125	5,638	3,234	-	-	2,851,999
Jumlah / Total		209,286,151	14,517,766	7,549,874	4,244,841	1,456,832	229,538	271,362	237,556,363
%		88.10%	6.11%	3.18%	1.79%	0.61%	0.10%	0.11%	100.00%

Source: Ministry of Religious Affairs in Numbers 2011

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⁷⁰ The petitioners included seven Indonesian human rights NGOs: Imparsial, Elsam, Indonesian Legal Aid Association, Demos, Setara Institute, Desantara Foundation, and the Indonesian Legal Aid Foundation; as well as four Muslim intellectuals: Abdurrahman Wahid, MusdahMulia, DawamRahardjo, and MamanImanulHaq. See “Constitutional Court website, Decision No. 140/PUU-VII/2009,” http://www.mahkamahkonstitusi.go.id/putusan/putusan_sidang_Putusan%20PUU%20140_Senin%2019%20April%202010.pdf (accessed June 19, 2012).

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⁷² Harfenist, E. 2014. Anti-Shia Sentiment Simmers Ahead of Indonesia’s Election. Vice News [Online] (Last updated on 26 May 2014), Available at: <https://news.vice.com/article/anti-shia-sentiment-simmers-ahead-of-indonesias-elections> [Accessed on 27 May 2014]

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⁷⁷ Human Rights Watch. 2013. Indonesia: Ensure Safe Return Home of Evicted Shia Villagers. Human Rights Watch [Online] (Last updated on 30 June 2013), Available at: <http://www.hrw.org/news/2013/06/30/indonesia-ensure-safe-return-home-evicted-shia-villagers> [Accessed on 7 May 2014]

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⁷⁹ The Jakarta Post. 2014. Anti-Shia alliance reported to police. The Jakarta Post [Online] (Last updated on 23 April 2014), Available at: <http://www.thejakartapost.com/news/2014/04/23/anti-shia-alliance-reported-police.html> [Accessed on 30 April 2014]