



Asia Justice and Rights (AJAR), Commission for the Disappeared and Victims of Violence Aceh (KontraS Aceh), Legal Aid Banda Aceh (LBH Banda Aceh), and Yayasan PASKA Aceh

Submission on Indonesia's Second Periodic Report under the International Covenant on Civil and Political Rights (ICCPR)

Specific Theme on Civil and Political Rights in Aceh, Indonesia

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## I. Introduction

1. Asia Justice and Rights (AJAR), Commission for the Disappeared and Victims of Violence Aceh (KontraS Aceh), Legal Aid Banda Aceh (LBH Banda Aceh), and Yayasan PASKA Aceh submit this report to the UN Committee of Civil and Political Rights (CCPR) for its second periodic report for Indonesia during its 140th session.
2. AJAR is a regional human rights organization whose aim is to strengthen human rights and contribute to the alleviation of entrenched impunity in the Asia-Pacific region. Its work focuses on countries in transition from a context of mass human rights violations to democracy. Working together with partner organizations in these countries, AJAR strives to build cultures based on accountability, justice, and a willingness to learn from the root causes of mass human rights violations to help prevent the recurrence of state-sanctioned human rights violations.
3. KontraS Aceh was established in 1998 with the aim of addressing cases of enforced disappearance, torture, and extrajudicial killings that occurred during the military campaign in Aceh from 1989 to 2005. Its primary objective is to offer assistance to individuals who have been subjected to violence by either governmental authorities or other entities involved in the conflict in Aceh.
4. LBH Banda Aceh is a legal aid institution based in Aceh that provides legal aid services to marginalized communities, including religious minorities.
5. Yayasan PASKA Aceh is a non-profit organization based in Pidie, Aceh, dedicated to fostering socio-economic development and empowering individuals affected by post-conflict circumstances in Aceh.
6. We have evaluated the List of Issues (LoI) submitted to the Government of Indonesia (GoI) by the Committee in 2020.<sup>1</sup> In this submission, we highlight the civil and political rights situation in Aceh, Indonesia.

## II. General Situation in Aceh

7. In 1976, the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) was formed to combat injustice, discrimination, and exploitation by the Indonesian government in Aceh. From 1989 onwards, Aceh was designated as a Military Operations Area, with a declaration of Military Emergency in 2003. On 15 August 2005, the armed conflict in Aceh officially concluded with the signing of a peace agreement (MoU) between GAM and the Republic of Indonesia in Helsinki, Finland.
8. In accordance with Law No. 11/2006 on the Aceh Government, the Aceh Government is mandated to establish a Truth and Reconciliation Commission (TRC) along with several privileges under special autonomy. This law also authorizes the creation of institutions resulting from the peace process, specifically aimed at addressing past conflicts and reinforcing peace in Aceh, such as the Aceh Reintegration Agency (BRA). The TRC is tasked with uncovering the truth, recommending reparations, and promoting reconciliation regarding past violent events. Meanwhile, BRA's role involves implementing reparations and reintegration programs.
9. Consequently, the Aceh Government issued Qanun No. 17/2023 to establish the Aceh Truth and Reconciliation Commission (TRC) as a locally-designed and -implemented truth-seeking and reconciliation mechanism. In 2016, the Aceh Government

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<sup>1</sup> List of Issue CPR/C/IDN/QPR/2 September 2020

appointed seven commissioners to the Aceh TRC with the mandate to reveal the truth and provide reconciliation in Aceh.

10. Since its establishment in 2016, the Aceh TRC has collected statements from at least 5,195 victims of human rights violations and identified at least 235 victims to receive urgent reparations. However, the implementation of these reparations has encountered challenges due to the absence of a specific, comprehensive mechanism aligned with ideal criteria for addressing past human rights violations.
11. The BRA, tasked with executing reparation recommendations, faces challenges in implementing reparations due to the necessity of addressing the damage and losses endured by victims. One consequence of the lack of documentation for implementing these recommendations is that reparations are solely provided in monetary form, following pre-existing schemes based on state budget allocations (Bansos). As the losses experienced by victims extend beyond financial aspects to encompass physical and psychological pain, the financial assistance may not align with the specific needs of victims.
12. Meanwhile, the national government started providing reparations to victims of human rights violations through Presidential Decree No. 17/2022. This initiative focused on a non-judicial approach and established the Team for Non-Judicial Remedy of Past Gross Human Rights Violations (PPHAM) under the same decree.<sup>2</sup> The PPHAM only deals with the 12 cases of gross human rights violations investigated by the National Commission for Human Rights (Komnas HAM) up to 2020, three of which occurred in Aceh during the 1989-2005 conflict. Unfortunately, due to a gap in data sharing between Aceh TRC and PPHAM, victims whose statements were collected by the Aceh TRC were not accounted for under the PPHAM reparations scheme.

### **III. Constitutional and legal framework within which the Covenant is implemented (art. 2)**

13. Aceh's autonomy is evident in the form of regional regulations known as Qanuns, which are tailored to Aceh's unique circumstances. However, these Qanuns often fail to fully address Aceh's situation and sometimes conflict with fundamental human rights and overarching legal principles. For example, the Jinayat Qanun utilizes caning as a punitive measure, which contradicts human rights principles as it degrades human dignity. Furthermore, the Jinayat Qanun also includes provisions on sexual violence, which is already regulated by national laws such as Law No. 12/2022 on Sexual Violence and Law No. 35/2014 on Child Protection, which offer more authoritative and specific regulations. However, these national laws are not enforced due to the perception that Aceh enjoys special autonomy.
14. Another distinctive feature of Aceh is the existence of its own Komnas HAM office, which serves to execute the Commission's function at the regional level. However, the role of the regional Komnas HAM office is limited to providing administrative and operational technical support, which includes receiving complaints and fostering cooperation with other institutions. The office does not engage in enforcement functions, as this role falls under the responsibility of Komnas HAM at the national level.

#### *Suggested recommendations:*

15. *Review and Synthesize Qanuns with International Human Rights Standards: Recommend that Indonesia, particularly Aceh, reviews and synthesizes its regional*

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<sup>2</sup> See: Executive Office of the President of the Republic of Indonesia, "KSP Pastikan Rekomendasi Tim PPHAM Beri Kebermanfaatan Bagi Korban," (30 December 2022). Available at: <<https://www.ksp.go.id/ksp-pastikan-rekomendasi-tim-ppham-beri-kebermanfaatan-bagi-korban.html>>

regulations (*Qanuns*) to ensure consistency with international human rights standards, including those outlined in the International Covenant on Civil and Political Rights (ICCPR).

16. Reform *Qanun Jinayat* to Align with Human Rights Norms: Specifically address the concerns related to *Qanun Jinayat*, urging Aceh to amend or repeal provisions that contradict human values and violate international human rights norms. Emphasize the importance of aligning legal frameworks with ICCPR principles.
17. Encourage Comprehensive Implementation of National Laws: Advocate for the comprehensive implementation of existing national laws, such as Law no. 12 of 2022 regarding the Crime of Sexual Violence and Law no. 35 of 2014 concerning child protection, within Aceh. Ensure that regional autonomy does not impede the enforcement of higher legal rules protecting human rights.

#### **IV. Non-discrimination (arts. 2, 19, 20 and 26) and violence against women, and domestic violence (arts. 2, 3, 6, 7 and 26)**

18. Vulnerable groups such as women and trans women continue to face discrimination in Aceh, evident from the number of *Qanuns* regulating the personal matters between genders. For instance, government officials have advocated for LGBTQ people to be caned in accordance with *Qanun Jinayat*. This regulation and other similar regulations were typically proposed on religious grounds, particularly to promote *sharia* norms in Aceh.
19. Another example of laws regulating women's private matters is the Circular No. 002/2013 in Lhokseumawe, which dictates that women must sit sideways when riding motorcycles. Similarly, in June 2015, the Mayor of Banda Aceh prohibited women from leaving the house after 10pm with men who are not their *mahram*. In January 2018, the government of Aceh Besar issued Letter No. 451/65/2018, which provides mandatory Muslim dress rules for flight attendants, especially for women, of all airlines landing at Sultan Iskandar Muda Airport in Blang Bintang, Aceh Besar.
20. At the same time, trans women continue to face structural violence by the government in Aceh. In 2016, for instance, the Bireuen Islamic Sharia Service explicitly requested salons and barbershops to not employ members of the LGBTQ community through Circular No. 451.48/159/2016. A similar appeal was made by the Aceh Besar District Government in 2018 using the Letter No. 1/2018 regarding the Licensing of Barber Shops/Salons/Beauty Houses Managed and Occupied by LGBTQ groups in Aceh Besar.
21. On 30 August 2018, Bireuen Regent Saifannur issued a circular on the Standardization of Coffee Shops/Cafes and Restaurants in Accordance with Islamic Law, which prohibits female waiters from working, and female customers from being served, after 9pm without their *mahram*. The circular also prohibits the employment of workers who have damaged the faith, *sharia*, and morals, including the members of the LGBTQ community, specifically trans women or *waria*. The law also prohibits men and women from eating and drinking on the same table unless they are *mahram*.
22. In spite of these laws, the rate of sexual violence remains high in Aceh. According to a report by the Aceh Women's Empowerment and Child Protection Services (DP3A), as of June 2023, there were 575 cases of sexual violence – 333 of which were directed against children and 242 against women.<sup>3</sup> The prevalence of sexual violence in Aceh is exacerbated by the non-enforcement of the Sexual Violence Crime Law in cases involving police officers as perpetrators. Instead, the *Jinayat Qanun* is used by the

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<sup>3</sup>See more: <https://aceh.tribunnews.com/2023/07/08/hingga-juni-tercatat-575-kasus-kekerasan-dan-pelecehan-seksual-perempuan-dan-anak-terjadi-di-aceh>

police in such cases due to its lower punishment for perpetrators and lack of requirements to provide remedy to the victims.<sup>4</sup> In fact, victims of sexual violence are sometimes punished alongside their perpetrators using the Jinayat Qanun.<sup>5</sup>

*Suggested recommendations:*

23. *Addressing discriminatory regulations and practices: urge Government of Aceh to repeal discriminatory laws that target vulnerable groups, particularly LGBTQ individuals, women, and trans women. Emphasize the need for laws and policies that adhere to international human rights standards, including the ICCPR.*
24. *Promote inclusive and non-discriminatory legislation by encouraging the Aceh government to enact and enforce legislation that upholds the principles of equality and non-discrimination for all citizens, regardless of gender identity or sexual orientation.*
25. *Raise awareness on human rights and diversity by recommending awareness programs and educational initiatives to foster understanding and respect for human rights, diversity, and gender equality within Aceh. Collaborate with local authorities, civil society, and educational institutions to implement these programs.*
26. *Combat sexual violence and ensure legal protections by strengthening enforcement of Sexual Violence Crime Laws including the enforcement of national laws specifically addressing sexual violence crimes. Ensure that the legal framework provides adequate protection for victims and appropriate punishment for perpetrators, in line with international standards.*
27. *Support victim rehabilitation and empowerment by encourage Aceh to establish and implement comprehensive programs for the rehabilitation and empowerment of victims of sexual violence. This should include mental health support, legal assistance, and efforts to reintegrate victims into society.*
28. *Collaborate with Komnas HAM by encouraging collaboration between the ICCPR Committee, national human rights institutions, and civil society organizations to monitor and address human rights violations effectively. Support initiatives that promote accountability and justice.*

## **V. Fight against impunity, and past human rights violations (arts. 2, 6, 7 and 14)**

### *Transitional Justice Mechanisms for the Aceh Conflict*

29. On 12 December 2023, the Aceh TRC launched their finding report titled *Peulara Damèe: Merawat Perdamaian* (Nurturing for Peace) at the Plenary Session of the Aceh People's Representative Council from their work from 2016-2020. In *Peulara Damèe*, the Commission concluded that the Indonesian National Army committed crimes against humanity and war crimes during the conflict in Aceh between 1976 and 2005. In the report, the Commission also found that the Free Aceh Movement (GAM) committed violations of the Geneva Conventions and the law on protecting civil society and that international companies were involved and culpable in this conflict. The report provides recommendations for Gol and other relevant stakeholders.
30. The report is the culmination of the TRC's ongoing work since 2016. The report formally acknowledges the occurrence of crimes against humanity and recognizes that there are victims of serious human rights violations in Aceh who are still waiting

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<sup>4</sup> See more in Indonesia language: <https://kumparan.com/kumparannews/aktivis-perempuan-aceh-minta-polisi-tak-gunakan-ganun-untuk-hukum-pesulap-hijau-1z8ciVZK2r8/full>

<sup>5</sup> See more in Indonesia language: [https://www.bbc.com/indonesia/berita\\_indonesia/2014/11/141121\\_khalwat\\_aceh](https://www.bbc.com/indonesia/berita_indonesia/2014/11/141121_khalwat_aceh)

for justice. This acknowledgement serves as an important foundation for efforts to achieve justice in Indonesia and other conflict areas in Asia and worldwide.<sup>6</sup>

31. The Aceh Government then issued a Decree on The Determination of the Recipient of Urgent Reparations and the Fulfillment of Victims of Human Rights Violations, which provided urgent reparations to 245 victims of human rights violations. These urgent reparations consist of medical and psychological assistance, entrepreneurship, social insurance, and an administration registry with priority given to the elderly. As of 2022, only 235 victims were able to receive these urgent reparations, as the other 10 victims had passed away without indicating any direct heirs. Moreover, the process was conducted using existing mechanisms in Aceh as part of “social assistance” for general citizens. This places the administrative burden on the victims since they must undergo a complicated process of submitting proposals to access the benefits.
32. The Aceh TRC has submitted its database of victims to Indonesia’s Human Rights Violation Non-Judicial Resolution Team (PPHAM). However, many of these victims currently do not accounted for the PPHAM reparations scheme.
33. Furthermore, Komnas HAM has finalized *pro justicia* investigations into four cases of alleged crimes against humanity in Aceh, namely Rumoh Geudong, Jambo Keupok, Simpang KKA and Timang Gajah. These cases have been submitted to the Attorney General’s Office, but have not been followed up since 2021. One case of human rights violations in Bumi Flora, Aceh, is still being investigated.

Lack of accountability for the disappearances of the HRD in Aceh: Zulfikar and Mukhlis

34. Two human rights defenders working for KontraS Aceh and Link for Community Development, Zulfikar and Mukhlis, were kidnapped by the Indonesian military on 28 March 2003. They were dragged into a brown Toyota Kijang military van by three men in civilian clothing. Photographic evidence showing three large men walking beside Mukhlis and Zulkifar and shutting the back door of the van points to the involvement of the military forces, specifically the Joint Intelligence Unit (SGI) and the Kopassus.
35. The LBH Banda Aceh advocacy team, along with the victims’ family, has presented the evidence to the Joint Security Committee in Bireuen. The case is currently being questioned by the Committee Against Torture under the List of Issues to be considered during the examination of the second periodic report of Indonesia.<sup>7</sup>
36. The LBH Banda Aceh team presented three pieces of evidence: (i) eyewitness accounts of the kidnapping incident; (ii) a newspaper report from Waspada on March 27, 2003, stating that the SGI had admitted to arresting the victims for allegedly provoking a crowd, and; (iii) photographs depicting the scene of the kidnapping.
37. After presenting the evidence, a representative from the JSC promised to verify the information with all security units involved. If the alleged perpetrator indeed belonged to the military (TNI), the case would be referred to the military police for investigation. LBH subsequently received a confirmation letter from the Regional Police, bearing reference No. Pol: STBPL/16/II/2003/Dit Reskrim dated 29 March 2003, acknowledging receipt of the report/complaint. However, to date, the fate of the kidnapping victim remains unknown.

**VII. Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 7 and 10)**

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<sup>6</sup> See the press release: <https://asia-ajar.org/press-release/indonesia-aceh-trc-findings-report-peulara-damee-reveals-the-truth-and-acknowledges-crimes-against-humanity/>

<sup>7</sup> See CAT/C/72/Add.1: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FIDN%2FQ%2F2&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FIDN%2FQ%2F2&Lang=en)

38. This year marks the 10th anniversary since the ratification of Qanun Jinayat. In 2021, Qanun No. 6 of 2014 was slated for revision as part of the regional legislative program. However, due to the Ministry of Home Affairs not issuing a consultation number, the Qanun remained largely unchanged, and Aceh continues to enforce it to this day.
39. Even though the Aceh Government has the right to regulate its region autonomously, this authority is not absolute. Moreover, Qanun Jinayat contradicts several national laws, human rights principles, and conventions that Indonesia has ratified.
40. Specifically, the use of caning as a mode of punishment in Qanun Jidayat conflicts with numerous national and international legal principles. In particular, it goes against the principles listed in the Indonesian Constitution, Law No. 5/1998 on the Convention Against Torture and other Inhumane or Degrading Treatment, Law No. 11/2012 on the Juvenile Criminal Justice System, Law No. 35/2004 on Child Protection, Law No. 12/2022 on Sexual Violence Crimes, and others. These legal bases need to be taken into account in the Aceh government's exercise of autonomy.
41. Caning has been used as punishment for several criminalized petty behaviors, such as selling alcoholic beverages (*khamar*), gambling (*maisir*), consensual sexual relations (*zina*) and being alone with someone of the opposite sex who is not *mahram* (*khalwat*).
42. Data from the D3PA showed that there were 428 caning cases in 2013, 515 caning cases in 2014, and 548 caning cases in 2015. Caning is routinely carried out in public spaces to attract the attention of other people, worsening the degradation of the person's dignity, which can amount to a form of cruel, inhuman, or degrading treatment.
43. Furthermore, non-Muslim Aceh residents have also been punished by caning. On 12 April 2016, for instance, Remita Sinaga received 28 strokes of the cane for selling alcoholic beverages. She is the first non-Muslim resident to be caned under *sharia* law, which used to only apply to Muslims in Aceh prior to October 2015.<sup>8</sup>
44. Another example of cruel, inhumane or degrading treatment can be found in the January 2018 raids against the LGBTQ in Aceh. Transgender women were arbitrarily detained by the North Aceh Police Force, subjected to profound humiliation, and endured torture, including being forced to roll on their backs and having their hair forcibly shaved. They were coerced into signing a letter admitting their perceived "mistakes" as transwomen, pledging not to appear as women, and agreeing not to pursue legal action against the authorities. Although released without charges the following day, the victims suffered severe trauma, with some losing their jobs and others forced to flee out of fear for their safety. While this triggered an internal investigation on the North Aceh police chief, he later received a promotion within the Provincial Police of Papua.

#### *Suggested recommendations*

45. *Recommend an urgent and thorough review of Qanun Jinayat in Aceh to assess its compliance with international human rights standards.*
46. *Evaluate the Qanun Jinayat which in fact has resulted in the use of torture or degrading treatment and abolish all forms of corporal punishment in its legislation, in this regard to abolish caning.*
47. *Suggest the implementation of human rights education programs in Aceh to raise awareness among government officials, law enforcement, and the general public about the principles outlined in ICCPR.*

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<sup>8</sup> ICJR: A year Qanun Jinayat: Excessive Usage of Caning in Aceh  
<https://icjr.or.id/a-year-qanun-jinayat-excessive-usage-of-caning-in-aceh/>



48. *Call for a transparent and thorough investigation into the incidents of arbitrary arrest, humiliation, and torture of transgender women in January 2018. Ensure accountability for those responsible and prevent such incidents in the future.*
49. *Request a review of the promotion granted to the North Aceh police chief in light of the internal investigation, ensuring that individuals involved in human rights violations are not rewarded.*

#### **VIII. Treatment of aliens, including migrants, refugees and asylum seekers (arts. 7, 9, 12, 13 and 24)**

50. According to KontraS Aceh's records, from January 2009 to January 2024 there have been 40 instances of arrivals of Rohingya refugees in Aceh. Despite the existence of a task force for Rohingya refugees and the Presidential Decree No. 125/2016 on the handling of refugees, the Indonesian government's performance and attitude towards refugees can only be described as neglectful and subpar. This is exemplified by official government statements, such as the one where the Ministry of Foreign Affairs incorrectly stated that Indonesia is not obligated to help Rohingya refugees.
51. Even though Indonesia has not ratified the 1951 Refugee Convention, the government has ratified other conventions such as the ICCPR and ICESCR, both of which are more authoritative than the Refugee Convention. Apart from that, Indonesia has also ratified CEDAW, CRC, and CAT. All of these act as a legal basis for Indonesia's obligation to take effective steps to prevent torture from occurring in its territory and uphold the non-refoulement principle. Despite this, the Indonesian government is alleged to still obstruct the arrival of Rohingya refugee ships in November and December 2023.
52. This was reportedly carried out by the police forces of Pedawa in East Aceh who patrolled the coast in order to intercept refugee boats before they could enter Aceh territory.<sup>9</sup>

#### **IX. Freedom of conscience and religious belief (arts. 2, 18 and 26)**

53. Qanun No. 4/2016 outlines the criteria for establishing places of worship in Aceh, imposing prohibitively stringent requirements that surpass national regulations set by the Joint Decree (SKB) No. 8 and 9 of the Two Ministers, which applies nationwide. These requirements include submitting a list of at least 140 potential users and 110 supporters from the local community, as well as obtaining recommendations from various local authorities. Additionally, the Qanun mandates written endorsements from multiple officials, including the Village Head, Subdistrict Head, and religious authorities. Furthermore, applicants must possess a Land Status Certificate from the local land office and approved building plans from the Technical Agency. These extensive requirements present significant challenges and have resulted in difficulties for religious minorities, who often resort to worshipping in tents or temporary locations. Notably, Article 19 of this Qanun exempts Muslim places of worship from these stringent requirements.
54. This Qanun significantly impacts the ability of religious communities in Aceh to fulfill their religious needs, particularly in areas with a diverse religious composition such as Aceh Singkil Regency. With a Christian population of 14,065 people, including 1,164 Catholics, the implementation of this regulation since 2016 has exacerbated the challenges in establishing places of worship in Singkil. This issue dates back to 1979 and has been marred by disputes, with peak tensions occurring in 2001, 2012, and notably in 2015. During the 2015 incident, clashes over the rejection of a church in

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<sup>9</sup> For more information. See Serambi Indonesia's YouTube channel: <https://www.youtube.com/watch?v=tg2-PZBEPc0>



Singkil led to the burning of a church unit, resulting in fatalities and the displacement of 4,000 Christians to North Sumatra. Presently, Christians and Catholics in Singkil continue to worship in makeshift locations as none of their places of worship have been granted permits by the government.

55. In such a situation, the makeshift and unsuitable places of worship pose a significant risk for women and children, leading to enduring psychological stress that persists to this day. Moreover, since Qanun 4/2016 was passed, almost no churches could be legally established in Aceh Singkil.

*Suggested recommendations:*

56. *Strongly recommend the repeal of Qanun No. 4/2016 in Aceh, which imposes discriminatory requirements for the establishment of places of worship, particularly targeting non-Muslim religious communities. Emphasize the need to align regional regulations with national laws and international human rights standards.*
57. *Promote inclusive legislation, including introduction of inclusive legislation that respects the rights of all religious communities, ensuring equal treatment for Muslims and non-Muslims in the establishment of places of worship.*
58. *Align regional regulations with national standards and its regulations, especially those concerning the establishment of places of worship, with national standards outlined in the Joint Decree (SKB) of the Two Ministers number 8 and 9. Emphasize the importance of consistency and adherence to national laws.*
59. *Encourage a review and amendment of any discriminatory provisions in regional regulations to eliminate disparities and ensure equal rights for all religious communities.*
60. *Advocate for non-discrimination in the establishment of places of worship, emphasizing that requirements should be uniform and not favor any specific religious group. Highlight the importance of protecting the rights of religious minorities.*
61. *Call for the removal of discriminatory barriers that hinder religious minorities from obtaining permits for places of worship. Recommend a fair and transparent process that treats all religious communities equally.*
62. *Draw attention to the impact of Qanun No. 4/2016 on vulnerable groups, particularly women and children, who may face psychological pressure due to the lack of legal places of worship. Stress the importance of protecting the rights and well-being of these vulnerable populations.*
63. *Encourage the provision of safe and appropriate worship spaces for all religious communities, emphasizing the need to eliminate conditions that force vulnerable populations to worship in inadequate or insecure locations.*

**X. Freedom of expression (arts. 19 and 20)**

64. Saiful Mahdi, a lecturer at Syiah Kuala University (Unsyiah) in Aceh, was convicted of defamation under the Electronic Information and Transactions (ITE) Law. He became a suspect in a defamation case in September 2019 after criticizing the results of a civil servant test for engineering school lecturers in a WhatsApp chat group comprising approximately 100 lecturers.<sup>10</sup> Saiful is one of the victims in Aceh who have been criminalized under this law.
65. After the laborious advocacy by LBH Banda Aceh and the national network, the case was recognized by the President. President Joko “Jokowi” Widodo proposed to grant an amnesty if Saiful Mahdi apologized. Later in October 2021, the President signed a

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<sup>10</sup> See more: <https://setkab.go.id/en/president-jokowi-signs-presidential-decree-on-saiful-mahdis-amnesty/>

Presidential Decree on amnesty for Saiful Mahdi. It was signed after the Presidential Decree after the House of Representatives (DPR) approved the amnesty for the lecturer. The Minister said that President Jokowi on September 29 sent a letter to the House on the request for consideration of granting the amnesty.

*Suggested recommendations:*

66. *Abolish criminal charges against individuals for expressing opinions or criticisms, particularly in academic and professional settings.*
67. *Provide robust protection mechanisms for whistle-blowers who bring forth information in the public interest. Ensure that individuals exposing misconduct or corruption are shielded from retaliation and legal.*

**XI. Peaceful assembly (art. 21)**

68. The Governor of Aceh issued CircularNo. 450/21770, which prohibits the holding of religious recitations other than *itiqad ahlus sunnah wal jamaah* recitations of the *Syafi'iyah* sect. This circular does not only conflict with the 1945 Constitution, which guarantees freedom of religion and belief, but also contradicts Aceh Qanun No. 1 of 2019, which emphasizes strengthening Islamic law in Aceh based on the principles of *ahlu sunnah waljamaah* while also respecting other schools of thought. The issuance of this circular coincided with a series of cases involving the dissolution of religious studies in Aceh that emerged in 2019.

*Suggested recommendations*

69. *Strongly recommend the immediate rescindment of Governor's Circular Letter (SE) number 450/21770 that prohibits certain religious practices among Muslims in Aceh. Emphasize the need to uphold the constitutional right to freedom of religion and belief for all individuals.*
70. *Urge the authorities in Aceh to align local regulations, including Qanun No. 1/2019, with international human rights standards, particularly the right to freedom of religion and belief as enshrined in the International Covenant on Civil and Political Rights (ICCPR).*
71. *Encourage the promotion of inclusive dialogue between religious authorities, local communities, and relevant stakeholders to address concerns related to religious practices. Foster understanding and tolerance among different Islamic sects and schools of thought.*
72. *Facilitate engagement with civil society organizations and religious leaders to contribute to the development of policies that respect religious diversity and protect the rights of individuals to freely practice their faith.*
73. *Call for a comprehensive review and reform of any discriminatory regulations that impede the exercise of the right to peaceful assembly and freedom of religion in Aceh. Ensure that local laws are in line with international human rights standards.*

**Respectfully submitted,**

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