

## Indonesia: Drop all charges against human rights defenders Maulidiyanti and Azhar

(Bangkok, 12 April 2023) - The Asian Forum for Human Rights and Development (FORUM-ASIA), together with its 31 members, calls on the Indonesian Government to immediately and unconditionally drop all charges against human rights defenders Fatia Maulidiyanti and Haris Azhar.

FORUM-ASIA also asks Indonesian authorities to refrain from enacting further reprisals against dissenting voices in the country.

On 3 April 2023, Maulidiyanti—Coordinator of the Commission for the Disappeared and Victims of Violence (Kontras)—and Azhar, Co-founder and Director of Lokataru, appeared before the East Jakarta District Court for the first hearing on the criminal defamation reported by Indonesia's Coordinating Minister for Maritime Affairs and Investment, Luhut Binsar Panjaitan.

The case stemmed from a YouTube video published on 20 August 2021, wherein Maulidiyanti and Azhar discussed the involvement of several retired Indonesian National Armed Forces Generals—including Pandjaitan—in an alleged mining exploitation in Blok Wabu, Intan Jaya Regency, Papua. As a result, both were accused of criminal defamation under Article 27(3) of the Electronic Information and Transaction (EIT) Law. If found guilty, they could face up to four years in prison.<sup>1</sup>

### End harassment against critical voices

Since the case was reported in September 2021, Maulidiyanti and Azhar have endured judicial harassment, beginning with online harassments, subpoenas<sup>2</sup> and forced summons by the police at their respective residences.<sup>3</sup> Such actions create a chilling effect and a climate of fear thereby silencing those who dare expose cases of corruption and human rights violations.

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<sup>1</sup> <https://www.fidh.org/en/issues/human-rights-defenders/indonesia-judicial-harassment-against-fatia-maulidiyanti-and-haris>

<sup>2</sup> <https://forum-asia.org/FatiaHaris>

<sup>3</sup> <https://forum-asia.org/FatiaHaris-MLJan22>

'We believe that the case against Maulidiyanti and Azhar is an act of retaliation against human rights defenders who demand transparency of information and accountability from the government and public officials. Both are merely concerned about the human rights impacts of business activities and yet they are met with intimidation and judicial harassment,' said FORUM-ASIA.

FORUM-ASIA reminds the Indonesian Government of its obligation to uphold the International Covenant on Civil and Political Rights, to which it is a signatory. The Covenant recognises that critical expressions against public officials and institutions should not be criminalised since doing so impedes people's right to freedom of expression. Likewise, the Indonesian Government should abide by international laws which protect the rights of human rights defenders. The government must create an enabling environment which allows human rights defenders to do their work without fear of reprisals.<sup>4</sup>

Many international civil society organisations, including FORUM-ASIA,<sup>5</sup> have expressed grave concern as well as condemned the spillover of the escalating defamation case, emphasising that as public officials, criticism and eye-opening information should not be used to repress human rights defenders.

Additionally, this sets a bad precedent for those who criticise the government and officials because if a high-ranking official filed a criminal report for criticism, lower-level officials will be encouraged to do so.

On 23 March 2023, the UN Human Rights Council adopted Indonesia's 4th Cycle Universal Periodic Review (UPR) Report at the 52nd UN Human Rights Council Session. However, protection of civic space still remains a concern. This is because, following a review of Indonesia's human rights record last year, Indonesia supported 205 of the 269 recommendations received, noted 59, and provided partial support for 5 recommendations received. Eight of these noted recommendations dealt with freedom of expression and association repeal or revise regulations such as the EIT law.

'We are concerned with the continuous misuse of the EIT Law against critical voices in Indonesia. Instead of addressing disinformation, the law has been used to attack human rights defenders and restrict freedom of expression. Such abuse of the law exemplifies the country's shrinking civic space, said FORUM-ASIA.

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<sup>4</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups-and>

<sup>5</sup> <https://forum-asia.org/?p=37899>

## Call to Action

As the second trial for Maulidiyanti and Azhar is set to begin on 17 April 2023, FORUM-ASIA and its members are in solidarity with all human rights defenders.

We call on the Indonesian Government and the Public Prosecutor Office to drop all charges and to end the judicial harassment against Maulidiyanti and Azhar. and refrain from further harassment. Together with the international community, FORUM-ASIA will continue to closely monitor the trial.

'Upholding freedom of expression as well as the public's right to access information is essential for promoting and protecting human rights in Indonesia. It is the government's responsibility to protect human rights defenders and ensure that they are able to freely and safely carry out their important work," said FORUM-ASIA and its member organisations.

## Endorsing organisations:

1. Asian Forum for Human Rights and Development (FORUM-ASIA)
2. Association of Women for Awareness & Motivation (AWAM), Pakistan
3. Bir Duino, Kyrgyzstan
4. Bytes for All, Pakistan
5. Cambodian Human Rights and Development Association (ADHOC)
6. Centre for Human Rights and Development, Mongolia
7. Centre for the Sustainable Use of Natural and Social Resources (CSNR), India
8. Civil Society and Human Rights Network (CSHRN), Afghanistan
9. Commission for the Disappeared and Victims of Violence – Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (KontraS), Indonesia
10. Community Resource Centre (CRC), Thailand
11. Defence of Human Rights, Pakistan
12. Dignity-Kadyr-kassiyet (KK), Kazakhstan
13. Human Rights Measurement Initiative (HRMI)
14. Human Rights Online Philippines
15. Indonesian Human Rights Monitor – Inisiatif Masyarakat Partisipatif untuk Transisi Berkeadilan (Imparsial), Indonesia
16. Indonesian Legal Aid and Human Rights Association (PBHI)
17. Indonesia Legal Aid Foundation – Yayasan Lembaga Bantuan Hukum Indonesia (YLBHI)

18. Jagriti Child and Youth Concern Nepal (JCYCN), Nepal
19. Korean House for International Solidarity (KHIS), South Korea
20. Madaripur Legal Aid Association, Bangladesh
21. Maldivian Democracy Network (MDN)
22. Odhikar, Bangladesh
23. Peoples Watch, India
24. People's Solidarity for Participatory Democracy (PSPD)
25. Philippine Alliance of Human Rights Advocates (PAHRA)
26. Progressive Voice, Myanmar
27. Pusat KOMAS, Malaysia
28. Refugee and Migratory Movements Research Unit (RMMRU), Bangladesh
29. Suara Rakyat Malaysia (SUARAM)
30. Task Force Detainees of the Philippines (TFDP)
31. The Awakening, Pakistan
32. Think Centre, Singapore
33. Women's Rehabilitation Centre (WOREC), Nepal

#### **About FORUM-ASIA:**

**The Asian Forum for Human Rights and Development (FORUM-ASIA)** is a network of 85 member organisations across 23 countries, mainly in Asia. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity development and solidarity actions in Asia and beyond. It has consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. The FORUM-ASIA Secretariat is based in Bangkok, with offices in Jakarta, Geneva and Kathmandu. [www.forum-asia.org](http://www.forum-asia.org)

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