



Indonesia: Human rights groups celebrate the acquittal of human rights defenders Fatia Maulidiyanti and Haris Azhar, calls for repeal of defamation laws

The Asian Forum for Human Rights and Development (FORUM-ASIA) and the Commission for the Disappeared and Victims of Violence (KontraS) welcome the East Jakarta District Court's decision to acquit human rights defenders Fatia Maulidiyanti and Haris Azhar on 8th January 2024 of all charges. Fatia and Haris' online discussions were not deemed to constitute criminal defamation, nor was there sufficient evidence to prove the charge as stated by the District Court Judges.

FORUM-ASIA and KontraS celebrate the victory alongside all human rights defenders in Indonesia.

On 13 November 2023, Fatia and Haris were indicted under defamation charges brought by Luhut Binsar Pandjaitan—the Coordinating Minister of Maritime and Investment—following the duo's online discussions regarding a report alleging Pandjaitan's possible involvement in mining operations in Intan Jaya, Papua. Fatia was sentenced to three years and six months in prison and a fine of 500,000 rupiah (approximately 32 USD). Meanwhile, Haris was sentenced to four years in prison and a fine of one million rupiah (approximately 64 USD).

In particular, Fatia and Haris were charged under Article 27 paragraph (3) in conjunction with Article 45 paragraph (3) of the Electronic and Information Transaction (EIT) Law, which has been notoriously used to criminalise free speech. Despite the recent amendments to the EIT Law and the Criminal Code, provisions criminalising defamation still do not have adequate limitations. As a result, such laws continue to threaten Indonesia's online civic space and freedom of expression. As prescribed under Article 19 of the International Covenant on Civil and Political Rights (ICCPR), limitations to freedom of expression must strictly satisfy the requirements of legality, legitimate aim, necessity, and proportionality. Unless these requirements are properly met, existing defamation laws should be amended or repealed as its enforcement is a direct violation of freedom of expression under the ICCPR to which Indonesia is a state party to.

According to a [report](#) by the Southeast Asia Freedom of Expression Network (SAFEnet), in 2022 alone, Indonesia saw a threefold increase in the criminalisation of freedom of expression, totalling to 97 cases. In total, 107 people were reported under defamation provisions of Article 27 (3) of the EIT Law and Article 310 of the Criminal Code. Most complaints were made by organisation and institution leaders, public figures, and businesses.

Without clear limits to the definition and exception for defamation, both state and non-state actors could take advantage of the rubber articles as a tool for strategic lawsuits against public participation (SLAPP). Defamation laws can be used to intimidate, censor, and silence activists, human rights defenders, and journalists.

FORUM-ASIA and KontraS call on the Indonesian Government to provide remedy for Fatia and Haris. Despite their acquittal, they were subjected to 32 hearings since April 2023. In her defence statement, Fatia mentioned how the proceedings have robbed her of the opportunity to take care of her father before his passing. The organisations also call for the review of the existing defamation provisions under the EIT Law and the Criminal Code, particularly regarding its incompliance with international human rights standards and principles, to help put an end to the judicial harassment endured by human rights defenders.

'The acquittal of Fatia and Haris sets a positive precedent against the criminalisation of human rights defenders. Nevertheless, they should not have been subjected to this judicial harassment in the first place. Fatia and Haris were simply doing their work by highlighting the potential human rights abuses committed by a government official. This is a matter of public interest. The repressive laws used against human rights defenders must be thoroughly reviewed, amended, or repealed,' said Mary Aileen Diez-Bacalso, Executive Director of FORUM-ASIA.

'The acquittal of Fatia and Haris is a victory for all of Indonesia's civil society. This only shows why freedom of expression should be protected and respected by the government,' said Dimas Bagus Arya, Coordinator of KontraS.

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

About KontraS:

The Commission for the Disappeared and Victims of Violence (KontraS) was established in 1998 with the purpose of establishing Indonesia as a just and democratic country where people are free from fear, repression and discrimination. kontras.org

For media inquiries, please contact:

- Communication and Media Programme, FORUM-ASIA, communication@forum-asia.org