

## Refugee Review Tribunal

### AUSTRALIA

#### RRT RESEARCH RESPONSE

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**Country:** Indonesia  
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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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#### Questions

1. What is the organisation of *Ahmadiyyah* in Indonesia?
2. Do they have public headquarters and mosques/communities?
3. Do they advertise their location publicly?
4. What harassment has the *Ahmadiyyah* sect and its members suffered? Has such harassment increased, remained constant, or declined over the last few years?
5. What is the attitude of the Indonesian government to *Ahmadiyyah*?
6. What has been the reaction of the Indonesian government to the harassment of *Ahmadiyyah*?
7. Please provide any other relevant information.

#### RESPONSE

##### 1. What is the organisation of *Ahmadiyyah* in Indonesia?

On 2 August 2005, Roy Tupai published a report on the situation of the *Ahmadiyya* in Indonesia on the *paras indonesia* website. The article provides the following background on the *Ahmadiyyah* movement and its history in Indonesia:

*Ahmadiyah* was founded in 1889 by Mirza Ghulam Ahmad (1839-1908) in the Qadian district of Punjab, northwestern India (in what is now Pakistan). Followers describe *Ahmadiyah* as the divinely promised revival of the supremacy and glory of Islam, prophesied in the Quran and by the Prophet Muhammad. After the death of the founder, the movement split into two subjects: *Ahmadiyah* Lahore and *Ahmadiyah* Qadani.

The movement has been branded heretical because of two key differences with mainstream Islam. First, *Ahmadis* believe that Mirza Ghulam Ahmad was a prophet, whereas orthodox Islam believes there can be no new prophets after Muhammad. Second, *Ahmadis* believe that Jesus Christ did not die on the cross, but escaped from the Romans and then traveled East to Kashmir, where he died a natural death at the age of 120. They claim Jesus did not ascend to Heaven and therefore could not come back to life as the latter day promised Messiah. Instead, they believe that Muhammad's prophecy regarding the coming of the Messiah and Mahdi (the

Guided One) was fulfilled in person by Mirza Ghulam Ahmad. Mainstream Islam, on the other hand, believes Jesus was resurrected and will return to Earth at the prophesized 'end of days'.

*Ahmadiyah*'s first mission in Indonesia was set up in 1925 by Indian missionary Maulana Rahmat Ali. The mission translated much of *Ahmadiyah*'s literature into Javanese and Dutch, and built the sect's first mosque in Java in 1937. *Ahmadis* say many of their members "paid with their blood and money" to help Indonesia achieve independence from the Dutch. During the reign of founding president Sukarno, the Justice Ministry on March 13, 1953, recognized *Ahmadiyah* as a legal entity. The movement was later repressed during ex-president Suharto's 32-year regime, which exercised tight control over all religious groups.

The repression started in 1980 when MUI issued a fatwa declaring *Ahmadiyah* an illegitimate form of Islam because its teachings are "deviant and misleading", and therefore a "threat to national security". MUI was established in 1975 at the initiative of the Suharto regime, ostensibly to serve as an umbrella organization for the nation's main Muslim groups, though it was routinely used to promote government policies through the issuance of non-enforceable edicts.

The Religious Affairs Ministry on September 20, 1984, issued a circular to its regional offices throughout the country, specifically to the heads of Islam divisions, stating that *Ahmadiyah* is deviant because of its belief that Mirza Ghulam Ahmad was a prophet. The ministry also banned *Ahmadis* from disseminating their teachings in Indonesia because "they may create conflict".

The circular called on MUI's provincial offices to explain to the public that *Ahmadiyah*'s tenets are "misleading". Followers of the movement were urged to "return to the right Islamic teachings", while all Muslims were called on not to be influenced by *Ahmadiyah*.

Following the fall of Suharto in 1998, the Home Affairs Ministry reportedly affirmed *Ahmadiyah*'s legal recognition on June 5, 2003.

*Ahmadiyah* now claims to have 542 branches across Indonesia, 289 mosques, 110 preaching centers and anywhere from 200,000 to 500,000 followers.

*Ahmadiyah*'s former spiritual leader, Hadhrat Mirza Tahir Ahmad (1928-2003) visited Indonesia from June 19 to July 11, 2000, and met with then president Abdurrahman Wahid and then People's Consultative Assembly speaker Amien Rais. During the visit he laid the foundation stones for a mosque and a secondary school, held press conferences, lectured students at Yogyakarta's Gadjarda University and addressed large gatherings.

Although *Ahmadiyah* initially enjoyed greater freedom in the post-Suharto era, the simultaneous rise of radical Islamic groups that wage violence in the name of religion has seen the movement face its greatest threat so far (Tupai, R. 2005, 'The Right To Faith No More', *paras indonesia* website, 2 August <http://www.parasindonesia.com/read.php?gid=53> – Accessed 1 September 2006 – Attachment 1).

An overview of the teachings of the *Ahmadiyyah* faith, authored by Fazal-E-Mujeeb (an *Ahmadi* and "a graduate in Islamic studies and English from Punjab University in Pakistan"), was recently published by *The Jakarta Post* on 26 August 2006 and has since been reproduced on the website of the *Jemaat Ahmadiyah Indonesia* (JAI; the Indonesian *Ahmadiyah* Congregation). The article is supplied as Attachment 2 (Fazal-E-Mujeeb 2006, 'What *Ahmadiyah* teaches', *Jemaat Ahmadiyah Indonesia* website, source: *Jakarta Post*, 26

August <http://www.Ahmadiyya.or.id/page/index.php/News/818/what-Ahmadiyah-teaches> – Accessed 1 September 2006 – Attachment 2).

## 2. Do they have public headquarters and mosques/communities?

### Public Headquarters

Several 2005 reports refer to the national headquarters of the *Ahmadiyya* as being in Bogor, West Java. It is unclear whether this remains the case as, following attacks on the compound in mid-2005, it was reported that the Bogor City Council had, in October 2005, “declared *Ahmadiyah* to be an illegal organisation and its activities were prohibited in Bogor Regency”. It may be that *Ahmadi* activities are continuing in this locale in spite of the ban. In a recent interview with *The Jakarta Post*, the Indonesian *Ahmadiyyah* chairman, Abdul Basyith, claimed that *Ahmadiyya* congregations “still hold prayers even though local administrations at several places, such as in Kuningan, West Java, have locked up our mosques for what they call security reasons” (for reports referring to the existence of the *Ahmadiyya* headquarters in Bogor, see: Unmacht, E. 2005, ‘A Muslim Schism’, *Newsweek* website, 15 August <http://www.newsweek.org/id/8852859/site/newsweek/from/RL.1/> – Accessed 29 August 2006 – Attachment 3; see also: ‘Attacks on moderate Muslim sect put Jakarta in a bind’ 2005, *Taipei Times* website, 9 August <http://www.taipetimes.com/News/world/archives/2005/08/09/2003267024> – Accessed 29 August 2006 – Attachment 4; for information on the banning of the *Ahmadiyya* by Bogor City Council, see: Sufa, T. 2005, ‘JAI sues Bogor administration’, *Jakarta Post* website, 21 October <http://www.thejakartapost.com> – Accessed 1 September 2006 – Attachment 5; for the interview with the *Ahmadiyyah* chairman, see: Basyith, A. interviewed by T. Siboro & H. Diani 2006, “We have never had serious problems due to our beliefs”, *Jakarta Post*, 9 August <http://www.thejakartapost.com> – Accessed 9 August 2006 – Attachment 6).

### Mosques/Communities

As is noted above, in Roy Tupai’s article of 2 August 2005, “*Ahmadiyah* now claims to have 542 branches across Indonesia, 289 mosques, 110 preaching centers and anywhere from 200,000 to 500,000 followers” (Tupai, R. 2005, ‘The Right To Faith No More’, *paras indonesia* website, 2 August <http://www.parasindonesia.com/read.php?gid=53> – Accessed 1 September 2006 – Attachment 1).

### Leadership

According to a recent report in *The Jakarta Post*, the chairman of Indonesia’s *Ahmadiyyah* organisation in Indonesia is, Abdul Basyith. Information sourced from the Persecution of *Ahmadiyya* Muslim Community website indicates that the National Amir of the *Jemaat Ahmadiyah Indonesia* is, H. Abdul Basit (Basyith, A. interviewed by T. Siboro & H. Diani 2006, “We have never had serious problems due to our beliefs”, *Jakarta Post*, 9 August <http://www.thejakartapost.com> – Accessed 9 August 2006 – Attachment 6; Basit, H. Abdul (National Amir, *Jemaat Ahmadiyah Indonesia*) 2005, ‘Press Release statement of *Jemaat Ahmadiyah Indonesia*’, Persecution of *Ahmadiyya* Muslim Community website, 21 August [http://www.thepersecution.org/world/indonesia/05/jai\\_pr2108.html](http://www.thepersecution.org/world/indonesia/05/jai_pr2108.html) – Accessed 1 September 2006 – Attachment 7).

## 3. Do they advertise their location publicly?

Fear of attack has, according to Roy Tupai's August 2005 article, "prompt[ed] the [*Ahmadiyyah*] movement to tone down its activities. *Ahmadiyah*'s main office in Yogyakarta has taken down its main sign, while the movement's mosques in Bandung have tightened security and packed their translations of the Quran". Dr John Olle has also noted the manner in which certain *Ahmadiyya* communities have sought to lower their profile. In recent advice to the Tribunal Dr Olle recounted how he had "met some *Ahmadiyah* leaders in June this year [2006] in a shop front in Jakarta with no signboard. They had only just moved the office into it and were planning to move again within the month. They are definitely concerned that they could be targeted again" (Tupai, R. 2005, 'The Right To Faith No More', *paras indonesia* website, 2 August <http://www.parasindonesia.com/read.php?gid=53> – Accessed 1 September 2006 – Attachment 1; Olle, J. 2006, Email to RRT Country Research: 'RRT Information Request IDN30493: *Ahmadiyya* and Deviation in Indonesia', 1 September – Attachment 8).

**4. What harassment has the *Ahmadiyyah* sect and its members suffered? Has such harassment increased, remained constant, or declined over the last few years?**

**5. What is the attitude of the Indonesian government to *Ahmadiyyah*?**

**6. What has been the reaction of the Indonesian government to the harassment of *Ahmadiyyah*?**

Indonesia's *Ahmadiyyah* communities have, historically, suffered numerous bouts of attack. In 1980, a *fatwa* was issued, denouncing the *Ahmadiyya* as a deviationist (or heretical) group, by the *Majelis Ulama Indonesia* (MUI; Council of Indonesian Ulama) and this, as John Olle has observed, was "used as a 'legal' basis for attacks on *Ahmadiyah* communities in East Lombok in 1983, West Lombok in 2000 and 2001, and Kuningan, West Java in 2002" (the MUI is not a formal part of the Indonesian state apparatus but – established in 1975 under Suharto's "New Order" regime – its rulings have enjoyed, in the eyes of some sections of Indonesian society, the legitimacy of what Olle describes as "semi-governmental status"). The MUI has officially denounced the violence visited upon the *Ahmadiyyah* but the MUI has continued, nonetheless, to condemn Indonesia's *Ahmadiyyah* communities in such a way as to fuel further attacks. Olle notes that "the recent 4th *Kongres Umat Islam Indonesia* coordinated by *Majelis Ulama Indonesia* (MUI) held in April 2005...strengthened a previous decision by the national meeting of MUI in 2000 that dealing with "*aliran sesat*" (heretical sects) should be a special priority having precedence over other major social problems"; a development which has seen "[f]urther attacks on *Ahmadi* communities including the destruction of mosques and houses were carried out in Cianjur, West Java and Mataram, Lombok in September 2005, Leuwisadeng, Bogor in January 2006 and Ketapang, West Lombok in February 2006". The response of the Indonesian authorities has, according to Olle, been less than emphatic:

In each case, the response of the state apparatus has been to prohibit or limit *Ahmadiyah* activities. If any attackers have been arrested, it was usually participants and not the leaders who were arrested and punished. Punishments have also been light. In Cianjur attackers were given 4 month sentences. In Bogor, attackers were given 5 months on good behaviour. (p.9)

Bans on the *Ahmadiyya* have recently been issued by a number of local bodies "in several regencies and provinces" but there does not currently exist, according to Olle, a ban at the national level. Claims to the contrary have been made by the current Indonesian President, Susilo Bambang Yudhoyono and a number of sources make reference to a national circular which was released by the Ministry of Religious Affairs in 1984, banning the *Ahmadiyya*

faith, which the present-day Religious Affairs Minister has claimed is still in effect. The confusion is, according to Olle, partly deliberate and partly a product of the confusion created by the manner in which the various *fatwas* and prohibitions currently operate in concert with government statements which seek, variously, to align the administration with all sides of the dispute. In any event, according to Olle, the legal status of the *Ahmadiyya* movement is less important in determining the security of *Ahmadiyya* communities than is the nature of local power struggles:

Decisions on banning or closing down “heretical” groups or taking action against their attackers appear to depend on the local political situation and the internal relationships of local elites rather than on any form of written law. In the one local area in West Java, for example, the local Bupati (PDI-P) who was originally sympathetic to *Ahmadiyah*, changed tack and prohibited *Ahmadiyah* when in need of political support from local kyai who happened to be anti-*Ahmadiyah*. In Surabaya, however, *Ahmadiyah* has not been closed down because, substantial numbers of NU members would object to state interference with freedom of religion and that would create a political problem for the local leaders of the state. (p.10)

Recent advice from Olle indicates that, at the present moment, this has meant the situation for *Ahmadiyya* communities has been worse for those in West Java than it has been for those in the East Java (where threats against the *Ahmadiyya* have not, in recent times, developed into full blown attacks). According to Olle the groups most antithetical to the *Ahmadiyya* at present are: the MUI, the *Front Pembela Islam* (FPI; Islamic Defenders Front), the *Lembaga Penelitian dan Pengkajian Islam* (LPPI; Islamic Research and Study Institute), and the *Majelis Mujahidin Indonesia* (MMI; The Council of Mujahedeen For Islamic Law Enforcement) (for John Olle’s 2006 study of the heresy campaign against the *Ahmadiyya*, see: Olle, J. 2006, ‘The Campaign against “Heresy” – State and Society in Negotiation in Indonesia’, *16th Biennial Conference of the Asian Studies Association of Australia in Wollongong*, 26 June – 29 June – Attachment 9; Dr Olle has supplied further advice as: Olle, J. 2006, Email to RRT Country Research: ‘RRT Information Request IDN30493: *Ahmadiyya* and Deviation in Indonesia’, 1 September – Attachment 8; for further information on the national circular released by the Ministry of Religious Affairs, see: ‘*Ahmadiyah* mosque vandalized in Southeast Sulawesi’ 2006, *Jakarta Post*, 1 May <http://www.thejakartapost.com> – Accessed 29 August 2006 – Attachment 11; and: Tupai, R. 2005, ‘The Right To Faith No More’, *paras indonesia* website, 2 August <http://www.parasindonesia.com/read.php?gid=53> – Accessed 1 September 2006 – Attachment 1; for further information on the relative calm in East Java, see: ‘Indonesia News Update’ 2005, Persecution of *Ahmadiyya* Muslim Community website, 21 August [http://www.thepersecution.org/dl/id/05/indonesia\\_210805.pdf#search=%22%22east%20java%22%20Ahmadiyya%20OR%20Ahmadiya%22](http://www.thepersecution.org/dl/id/05/indonesia_210805.pdf#search=%22%22east%20java%22%20Ahmadiyya%20OR%20Ahmadiya%22) – Accessed 1 September 2006 – Attachment 12; for further information on the relationship between the attacks on the *Ahmadiyya* and larger political contests in Indonesia, see: LaMoshi, G. 2005, ‘Indonesia’s Islamists flex their muscles’, *Asia Times* online website, 27 October [http://www.atimes.com/atimes/Southeast\\_Asia/GJ27Ae02.html](http://www.atimes.com/atimes/Southeast_Asia/GJ27Ae02.html) – Accessed 1 September 2006 – Attachment 13; Tupai, R. 2005, ‘The Right To Faith No More’, *paras indonesia* website, 2 August <http://www.parasindonesia.com/read.php?gid=53> – Accessed 1 September 2006 – Attachment 1; Unmacht, E. 2005, ‘A Muslim Schism’, *Newsweek* website, 15 August <http://www.newsweek.org/id/8852859/site/newsweek/from/RL.1/> – Accessed 29 August 2006 – Attachment 3; and: ‘Attacks on moderate Muslim sect put Jakarta in a bind’ 2005, *Taipei Times* website, 9 August <http://www.taipeitimes.com/News/world/archives/2005/08/09/2003267024> – Accessed 29 August 2006 – Attachment 4; for background information on the complex relationship

between the MUI and the Indonesian state, see: M.N. 2005, 'Ulama, State And Politics: *Majelis Ulama Indonesia* After Suharto', *Islamic Law and Society*, ingentaconnect website, vol. 12, no. 1, pp.45-72 – Attachment 14; and: Hosen, N. 2004, 'Behind the Scenes: Fatwas of *Majelis Ulama Indonesia* (1975–1998)', *Journal of Islamic Studies*, vol. 15, pp.147-179 – Attachment 15).

### Sources and Key Documents

John Olle's study of the MUI's heresy campaign in Indonesia is recommended in its entirety and extensive extracts appear below. This is followed by extracts from recent news reports, and articles published by the *Ahmadiyya*, which provide an update on some recent developments of note (including the recent approach, by the *Jemaat Ahmadiyah Indonesia*, to the Australian government for asylum protection). Beneath these recent reports appear reports from 2005 which provide further detail on the spate of attacks which affected the *Ahmadiyya* in that year. Of these latter reports, the August 2005 article by Roy Tupai is recommended in its entirety. For an overview of these events as they were perceived by the *Ahmadiyya*, see the August 2005 report released by the Persecution of *Ahmadiyya* Muslim Community website, which is supplied as Attachment 12 (Olle, J. 2006, 'The Campaign against "Heresy" – State and Society in Negotiation in Indonesia', *16th Biennial Conference of the Asian Studies Association of Australia in Wollongong*, 26 June – 29 June – Attachment 9; Tupai, R. 2005, 'The Right To Faith No More', *paras indonesia* website, 2 August <http://www.parasindonesia.com/read.php?gid=53> – Accessed 1 September 2006 – Attachment 1; 'Indonesia News Update' 2005, Persecution of *Ahmadiyya* Muslim Community website, 21 August [http://www.thepersecution.org/dl/id/05/indonesia\\_210805.pdf#search=%22%22east%20java%22%20Ahmadiyya%20OR%20Ahmadiya%22](http://www.thepersecution.org/dl/id/05/indonesia_210805.pdf#search=%22%22east%20java%22%20Ahmadiyya%20OR%20Ahmadiya%22) – Accessed 1 September 2006 – Attachment 12).

### John Olle's 2006 Study and Advice

Dr John Olle, of the Royal Netherlands Institute for Southeast Asian and Caribbean Studies (*Koninklijk Instituut voor Taal-, Land- en Volkenkunde*; or KITLV), recently delivered a conference paper addressing the situation of Indonesia's *Ahmadiyya* communities at the 16th Biennial Conference of the Asian Studies Association of Australia (ASAA), which took place in June 2006 at the University of Wollongong. Dr Olle has kindly supplied the Tribunal with a draft of his paper (a revised version of which will be published in late 2006 as part of the peer reviewed ASAA conference proceedings). Dr Olle's paper looks at the historical treatment of Indonesia's *Ahmadiyya* communities in the context of discussing heresy campaigns in Indonesia, and the relationship such campaigns engender between Islamic groups, Indonesian Muslims and the Indonesian state authorities. Some pertinent extracts follow:

In the early weeks of July 2005, a small but militant crowd of 5000-10,000 people led by the *Front Pembela Islam* (FPI – Islamic Defenders Front) and the *Lembaga Penelitian dan Pengkajian Islam* (LPPI – Islamic Research and Study Institute) along with other groups twice attacked and tried to destroy the *Ahmadiyah* centre in Parung, Bogor near Jakarta. *Ahmadiyah* is an Islamic sect that has existed in Indonesia since 1925 and was accused by the attackers of being "heretical" due to the *Ahmadiyah* belief that their founder was a new prophet, an idea unacceptable to most Muslims. The attack was justified on the basis that the government supported body, the *Majelis Ulama Indonesia*, (MUI) that supposedly constitutes a national representative body of Islamic groups had issued a *fatwa* prohibiting Muslims from

following *Ahmadiyah* in 1980. Following the attacks, whilst formally disapproving of violence, the MUI issued a further *fatwa* attacking *Ahmadiyah* and asking the government to ban the group. It seemed fairly certain there was a concerted campaign against “heresy” going on involving a synergy between violent attacks, *fatawa* and still existing legal provisions that had yet to be changed to be in line with newer legislation guaranteeing human rights.

Although attacks on “heretics” have occurred on occasion in Indonesia during the period of the New Order, the current campaign received a boost from the recent 4<sup>th</sup> *Kongres Umat Islam Indonesia* co-ordinated by *Majelis Ulama Indonesia* (MUI) held in April 2005 that strengthened a previous decision by the national meeting of MUI in 2000 that dealing with “*aliran sesat*” (heretical sects) should be a special priority having precedence over other major social problems such as corruption, bribery, adultery, abortion, pornography, pornography, narcotics, gambling, alcohol, intellectual copyright, criminality, destruction of the environment, violence and enmity. All three attacks mentioned above occurred shortly after this congress. (p.2)

...MUI itself claims that its *fatwa* is aimed at preventing violence in the community...However, with the 1980 *fatwa* being used as a “legal” basis for attacks on *Ahmadiyah* communities in East Lombok in 1983, West Lombok in 2000 and 2001, and Kuningan, West Java in 2002, it would be hard to not come to the conclusion that MUI, despite its protestations of being against violence, was effectively encouraging other groups to use violence. ...For activist groups such as LPPI or FPI, a *fatwa* from MUI is considered as an expression of Islamic law and is therefore valid as a basis for action, regardless of arguments by Muslim scholars that *fatwa* are only opinions and do not have the same status as *hukm* (law). (p.4)

Further attacks on *Ahmadi* communities including the destruction of mosques and houses were carried out in Cianjur, West Java and Mataram, Lombok in September 2005, Leuwisadeng, Bogor in January 2006 and Ketapang, West Lombok in February 2006. Local government authorities also closed down *Ahmadiyah* mosques in Kuningan and Bogor, West Java. (p.5)

...There are three distinct groups directly involved in the attacks on *Ahmadiyah* and other “heretics”: LPPI, FPI and MUI. Those involved in the first two groups have history of opposition to the New Order. Amin Djamaluddin, the leader of LPPI, a group deliberately established to expose “heresy”, was originally a member of *Persis*, an avid follower of Mohammad Natsir and was arrested and jailed three times under the New Order. One could therefore say that he is “radical” in his history of opposition to the New Order and in favour of an Islamic state. (pp.6-7)

MUI...was set up by the New Order in 1975 as a way of coopting Islamic leaders into the government and state’s agenda and translating government policy to the Muslim community. Although MUI on occasion gently opposed the government, on the whole, due to its semi-governmental status, it was seen largely as a government mouthpiece. This meant that in the latter years of the New Order, the major democratically-minded leaders of the “mainstream” Islamic organizations *Nadhlatul Ulama* (NU) and *Muhammadiyah*, Abdurrahman Wahid (Gus Dur) and Amien Rais preferred to remain independent and have little to do with it. As a government sponsored body it had little legitimacy in the eyes of Muslims and amongst Indonesians generally. It could also be said that like the bodies created to “represent” the other religions, it tended to attract those who were interested in having on-going access to government subsidies, some of which may have been used to good purpose and some of which may have not.

...What about the other side of the equation? Those critical of the MUI *fatwa* and the actions of LPPI and FPI are also largely Muslim figures. Indeed this debate is an illustration itself of

the dominance of Islam in current Indonesian politics. Gus Dur, Amien Rais, Syafii Ma'arif and other figures deriving from NU and *Muhammadiyah* have spoken out against MUI and FPI. However, many of these figures no longer hold official positions in the larger Islamic organisations NU and *Muhammadiyah*, nevertheless they still have much cultural power. And even though the current leadership of *Muhammadiyah* and NU appear to be pandering to authoritarian Islam, particularly in relation to the anti-pornography law, the battle within these organisations is far from over.

...the state's concern appears to be not justice but rather political management, or perhaps more correctly, "damage-control" over public perceptions of its actions or inactions.

Over the last year, *Ahmadiyah* has been attacked in various forms in a number of different places. In Bogor, Cianjur, Kuningan and Lombok, mosques and houses have been physically attacked or burnt. In each case, the response of the state apparatus has been to prohibit or limit *Ahmadiyah* activities. If any attackers have been arrested, it was usually participants and not the leaders who were arrested and punished. Punishments have also been light. In Cianjur attackers were given 4 month sentences. In Bogor, attackers were given 5 months on good behaviour.

On the other hand, contrary to the desires of the anti-"heresy" groups, no *Ahmadiyah* followers have been arrested and charged with "despoiling religion". In other areas, where no attacks have taken place, *Ahmadiyah* still freely carries out its activities. There has been no move for a national prohibition. In Surabaya, a planned attack by members of MMI (*Majelis Mujahidin Indonesia*) did not eventuate since the *Ahmadiyah* mosque and centre was protected by members of *Garda Bangsa*, the paramilitary arm of Gus Dur's *Partai Kebangkitan Bangsa*.

...Decisions on banning or closing down "heretical" groups or taking action against their attackers appear to depend on the local political situation and the internal relationships of local elites rather than on any form of written law. In the one local area in West Java, for example, the local Bupati (PDI-P) who was originally sympathetic to *Ahmadiyah*, changed tack and prohibited *Ahmadiyah* when in need of political support from local kyai who happened to be anti-*Ahmadiyah*. In Surabaya, however, *Ahmadiyah* has not been closed down because, substantial numbers of NU members would object to state interference with freedom of religion and that would create a political problem for the local leaders of the state. Nationally, *Ahmadiyah* has not been prohibited for similar political reasons. It could cause more conflict in the community and given the international presence of *Ahmadiyah* could become an international human rights issue at a time when Indonesia wishes to become a member of the UN's human rights council. Pragmatic "damage-control" appears to be the order of the day. (p.14)

...it is clear that the national government prefers to deal with the issue partially and locally so as to avoid any national level "backlash" from either group. In doing so, however, the government not only shows its weakness, but also unconsciously or otherwise, justifies the already common use of violence as a major tool in political and religious life in Indonesia. It effectively allows non-state actors the right to use violence, which in the "traditional" concept of the state should be the preserve of the state. (p.15)

...There have also been demands that the government cancel local regulations that are seen as discriminative such as the local regulation on prostitution in Tangerang. So far, however, state responses have been varied and usually minimalist as they were in the *Ahmadiyah* case. During that case, the president Susilo Bambang Yudhoyono once stated, in an attempt to silence critics, that *Ahmadiyah* was already banned. What he meant was that *Ahmadiyah* had already been banned in several regencies and provinces. There has been no national prohibition and *Ahmadiyah* is still recognised as a legal body nationally (p.16) (Olle, J. 2006,



'The Campaign against "Heresy" – State and Society in Negotiation in Indonesia', *16th Biennial Conference of the Asian Studies Association of Australia in Wollongong, 26 June – 29 June – Attachment 9*).

In supplying his paper to the Tribunal Dr Olle also conveyed further advice on the differing circumstances which affect Indonesia's *Ahmadiyah* communities in different areas of Java.

...I would make the point that whether *Ahmadiyah* is attacked or not in any particular area of Indonesia has to do more with the political balance and the political needs of the witch-hunters than with the law. In East Java for example, *Ahmadiyah* is relatively safe. They have a mosque in Surabaya which was not far (only a few hundred metres) from the MMI headquarters. When there was word that MMI intended to attack the Surabaya mosque, Gus Dur put his PKB paramilitaries in front of the *Ahmadiyah* mosque for a couple of weeks and the attack did not happen. MMI in Surabaya are a very small group and they have since moved somewhere else in town. There is also a major police post at the end of the street where *Ahmadiyah* have their mosque. The Surabaya *Ahmadiyah* organizer was also of the opinion that the police in East Java are very firm in enforcing the law and was not worried about attacks. On a provincial level also Nahdlatul Ulama are the biggest Muslim organization and are virtually dominant in the province. In that situation, although some NU ulama would prefer if the government banned *Ahmadiyah*, others don't feel threatened at all and don't think its necessary since *Ahmadiyah* is small and will always remain small given NU dominance in the province. However, they do take action at the regency level against individual 'heretics' that periodically appear. In these cases, the police and courts just follow the opinion of the local ulama as to whether anyone is 'heretical' or not thus preserving the power of local ulama as religious authorities against any 'upstart' heretics that may have their own opinion as to what Islam is about.

However, in West Java the religious affiliations of the population are more dispersed and no one Islamic organization has dominance. In that situation a group like *Ahmadiyah* can easily become a target of other Islamic groups that are trying to prove their commitment to 'proper' Islam and become the arbiters of religious authority. *Ahmadiyah* have been accused of heresy on and off by other Islamic groups since they came to Indonesia in 1925. They are one of the 'standard targets' for purist Islamic groups. This means also that government/state responses will be more varied and harder to predict and may depend on the particular strength of any one Islamic group in any regency and the local political constellation there. The national *Ahmadiyah* headquarters in Bogor (technically West Java but virtually a part of Jakarta now) are also within range of groups in Jakarta like FPI and others that were involved in the attacks. I met some *Ahmadiyah* leaders in June this year in a shop front in Jakarta with no signboard. They had only just moved the office into it and were planning to move again within the month. They are definitely concerned that they could be targeted again.

In both cases above, you can see that it is the political balance, not the law that determines what happens. Nationally *Ahmadiyah* is a legal body but it is legally banned in some provinces and regencies and not in others which people unfamiliar with Indonesia may find confusing. However, it is just one of the many examples of contradictory laws that pervade the legal system in Indonesia.

The other factor, apart from the above local political constellations is the timing. Under Suharto, "Political Islam" was usually repressed if it couldn't be co-opted. Now, in the more democratic system being political and Islamic is allowed which means that many groups use Islamic referents for political effect. This means that it is a dangerous time for groups such *Ahmadiyah* which have a history of being targeted as part of other Islamic group's political campaigns. In the 1920's and 30's, *Ahmadiyah* was declared heretical by both Muhammadiyah and Persis, both modernist, purist groups concerned to define themselves as the promoters of the 'true' faith. It was a similar period to now, where Islamic groups were

seeking to define their beliefs and political orientation in a new historical period (Olle, J. 2006, Email to RRT Country Research: 'RRT Information Request IDN30493: *Ahmadiyya* and Deviation in Indonesia', 1 September – Attachment 8; for the RRT Country Research enquiry which elicited this response, see: RRT Country Research 2006, 'RRT Information Request IDN30493: *Ahmadiyya* and Deviation in Indonesia', 31 August – Attachment 10).

### Recent Reports

On 12 August 2006 it was reported by *The Jakarta Post* that Indonesia's "National Commission on Human Rights [had] asked the government to guarantee the security of *Ahmadiyah* followers to ensure members of the religious sect can live in peace and worship freely"; the report also provided an update on displaced *Ahmadis*; and information on the MUI's dismissal of the *Ahmadiyya*'s approaches to the Australian government on the issue of asylum. The viewpoint of the MUI received further attention in *The Jakarta Post* on 26 July 2006 (Nugraha, P. 2006, 'Human rights commission wants *Ahmadiyah* protected', *Jakarta Post*, 12 August <http://www.thejakartapost.com> – Accessed 15 August 2006 – Attachment 16; Taufiqurrahman, M. 2006, 'It's up to *Ahmadiyah* to leave: MUI', *Jakarta Post*, 26 July – Attachment 17).

On 24 July 2006, *The Jakarta Post* reported on the conditions under which the displaced *Ahmadiyyah* community of Ketapang, West Lombok, were living in "West Nusa Tenggara capital city Mataram's Transito shelter". Representatives claimed that the displaced community continued to suffer from discrimination and harassment (Nugraha, P. 2006, 'Let us go home, say *Ahmadiyah*', *Jakarta Post*, 24 July – Attachment 18).

In a recent interview with *The Jakarta Post*, the Indonesian *Ahmadiyyah* chairman, Abdul Basyith, discussed the manner in which the *Ahmadiyyah* have sought to maintain their communal activities in spite of the current circumstances:

We continue our activities. We still hold prayers even though local administrations at several places, such as in Kuningan, West Java, have locked up our mosques for what they call security reasons ... It's ridiculous.

We have been here since the 1920s and have no record of security violations. We promote peace. We are against violence. Why we are banned from holding Friday prayers in the mosques that we built with money out of our own pockets? Some of the mosques have even been vandalized by the groups who claim themselves to be representatives of Muslim people. Some of our followers have also been intimidated" (Basyith, A. interviewed by T. Siboro & H. Diani 2006, "We have never had serious problems due to our beliefs", *Jakarta Post*, 9 August <http://www.thejakartapost.com> – Accessed 9 August 2006 – Attachment 6).

On 8 August 2006, *The Jakarta Post* reported that "Siti Musdah Mulia, secretary-general of the International Conference for Religion and Peace (ICRP)", had claimed that the Indonesian media was, in part, responsible for "triggering and exacerbating" the troubles which have affected groups like the *Ahmadiyya*.

Musda pointed to the example of the stigma attached to the *Ahmadiyah* religious group. "We could see the media frequently using the phrase 'the allegedly heretical *Ahmadiyah* sect' in their reporting on the group. If this is continually stated, the public will think that the group is truly heretical," she said (Hermawan, A. 2006, 'Media foments intolerance, critics charge', *Jakarta Post*, 8 August <http://www.thejakartapost.com> – 30 August 2006 – Attachment 19).

On 26 May 2006, it was reported in *The Jakarta Post* that “Uli Parulian Sihombing, a lawyer acting for the Alliance for the Freedom of Religion and Faith, said the group had “reported the minister (Maftuh Basyuni) for insulting and slandering...the members of the *Ahmadiyah* community”. It was alleged that “Maftuh had violated at least four articles of the Criminal Code by repeatedly saying in the media that the *Ahmadiyah* sect was heretical”. It was further alleged that “the minister’s statements had helped lead to the persecution of *Ahmadiyah* followers in Segerongan village, West Lombok” (‘Activists report Maftuh for slandering *Ahmadiyah* sect’ 2006, *Jakarta Post*, 26 May <http://www.thejakartapost.com> – Accessed 26 May 2006 – Attachment 20).

A *Jakarta Post* article of 6 May 2006 refers to a “recent ultimatum issued by Religious Affairs Minister Maftuh Basyuni forcing the Indonesian *Ahmadiyah* Congregation (JAI) either to adopt the mainstream interpretation of Islamic teaching or declare themselves as a new religion”. The author of the article, Ridarson Galingging, argues that the minister’s ultimatum represents “a direct violation of the right of religious freedom protected under the ICCPR” (the International Covenant on Civil and Political Rights which the Indonesian government ratified in September 2005) (Galingging, R. 2006, ‘Putting rights covenants into action’, *Jakarta Post*, 6 May – Attachment 21).

On 1 May 2006, *The Jakarta Post* reported on an attack on “the Nur Rabwah mosque belonging to *Ahmadiyah* followers at Ranowila village, Konda district in the South Sulawesi regency of South Konawe”. The report provides details of an attack involving “dozens of unidentified people” and the subsequent police response (‘*Ahmadiyah* mosque vandalized in Southeast Sulawesi’ 2006, *Jakarta Post*, 1 May <http://www.thejakartapost.com> – Accessed 29 August 2006 – Attachment 11).

A February 2006 report on the West Lombok attacks, published by Indonesia’s *MetroTV* and reproduced on the Persecution of *Ahmadiyya* Muslim Community website, states that “300 police officers keep guarding around Bumi Ketapang Indah Houses, West Lombok, West Nusa Tenggara province after it was attacked by thousands” (‘Head Of *Ahmadiyya* Indonesia: We Want To Live In Peace’ 2006, *MetroTV* website, 8 February <http://www.thepersecution.org/world/indonesia/06/02/mt08i.html> – Accessed 29 August 2006 – Attachment 22).

## **2005 Reports**

In November 2005, the US Department of State’s *International Religious Freedom Report for 2005 – Indonesia*, provided the following information on the situation of the *Ahmadiyya*:

Separate from the country’s dominant Sunni Islam population, a small minority of people subscribes to the *Ahmadiyyah* interpretation of Islam. This group maintains 242 branches throughout the country. In 1980, the Indonesian Council of Ulama (MUI) issued a “fatwa” (a legal opinion or decree issued by an Islamic religious leader) declaring that *Ahmadiyyah* is not a legitimate form of Islam.

... The Government continued to restrict the religious freedom of certain messianic Islamic groups. An official ban on the activities of the groups *Jamaah Salamullah*, *Ahmadiyyah*, and *Darul Arqam* remained in effect, influenced by a 1980 fatwa by the MUI. However, the Government did not take any action to enforce the ban and thus enabled the groups to stay in operation through the formation of companies that distribute “halal” goods (US Department

of State 2005, *International Religious Freedom Report for 2005 – Indonesia*, 8 November – Attachment 24).

In October 2005 the situation of Indonesia's *Ahmadiyah* communities was discussed in an article appearing in *The Asia Times*. The report provides extensive analysis of the response of the Indonesian government to these attacks, and argues that protection for victimised groups has been weak and ineffective, and that it has often treated victims as problems. The report concludes that "there's no doubt that violent religious extremism is on the rise in Indonesia" (LaMoshi, G. 2005, 'Indonesia's Islamists flex their muscles', *Asia Times* online website, 27 October [http://www.atimes.com/atimes/Southeast\\_Asia/GJ27Ae02.html](http://www.atimes.com/atimes/Southeast_Asia/GJ27Ae02.html) – Accessed 1 September 2006 – Attachment 13).

On 21 August 2005, the Persecution of *Ahmadiyah* Muslim Community website released an update on the situation for its members in a number of locales, including: the *Ahmadiyah* Mubarak headquarters in Bogor West Java; a range of other West Java districts, such as Tasikmalaya, Garut, Cirebon and Bekasi; Tangerang District, outside Jakarta; the city of Jakarta itself; Surabaya, in East Java; and Northern and Western Sumatra. The report is best viewed in its original PDF format and is supplied as Attachment 12. A statement on these events was also released by the *Ahmadiyah*'s National Amir at this time, and this is supplied as Attachment 7 ('Indonesia News Update' 2005, Persecution of *Ahmadiyah* Muslim Community website, 21 August [http://www.thepersecution.org/dl/id/05/indonesia\\_210805.pdf#search=%22%22east%20java%22%20Ahmadiyah%20OR%20Ahmadiyah%22](http://www.thepersecution.org/dl/id/05/indonesia_210805.pdf#search=%22%22east%20java%22%20Ahmadiyah%20OR%20Ahmadiyah%22) – Accessed 1 September 2006 – Attachment 12; Basit, H. Abdul (National Amir, Jemaat *Ahmadiyah* Indonesia) 2005, 'Press Release statement of Jemaat *Ahmadiyah* Indonesia', Persecution of *Ahmadiyah* Muslim Community website, 21 August [http://www.thepersecution.org/world/indonesia/05/jai\\_pr2108.html](http://www.thepersecution.org/world/indonesia/05/jai_pr2108.html) – Accessed 1 September 2006 – Attachment 7).

On 2 August 2005, Roy Tupai published a report on the situation of the *Ahmadiyah* in Indonesia on the *paras indonesia* website. The article provides a chronological overview of the violence which had, at this time, recently been visited upon a number of Indonesia's *Ahmadi* communities. Tupai also reported on the reaction of government authorities and the role of various Muslim groups in the developing situation.

### **Chronology of Violence**

The July 15, 2005, attack on Jemaat *Ahmadiyah* Indonesia's preaching center in Bogor is not the first time the movement has been targeted by mob violence.

In August 2002, the conservative Islamic Institution of Research and Investigation (Lembaga Penelitian dan Pengkajian Islam, LPPI) held a seminar at Jakarta's Istiqlal Mosque on "the danger of the *Ahmadiyah* community". A similar seminar, sponsored by the Saudi Arabian Embassy in Jakarta, was held the same month in Ampenan, Lombok island, West Nusa Tenggara province. Both seminars involved inflammatory speeches against *Ahmadiyah* and called on the Religious Affairs Ministry and Attorney General's Office to ban *Ahmadiyah*.

Incited by the seminars, a violent mob on September 6, 2002, attacked an *Ahmadiyah* complex in Maluku province. The following day, banners were erected in the West Java city of Cirebon, urging locals to take the law in their own hands and eliminate *Ahmadiyah*. Also on September 7, anti-*Ahmadiyah* banners were erected in Manis Lor village, Jalaksana district, Kuningan regency, West Java.

On September 10, 2002, about 2,000 people attacked and destroyed the *Ahmadiyah* Mosque in Pancor Selong, East Lombok. The mob later burned down about eight houses and several other buildings owned by local *Ahmadis*.

The violence spread to Manis Lor, where a mob over December 22-23, 2002, destroyed two mosques and 18 houses owned by *Ahmadis*. Reports said the attack was prompted by the issuance of a decree by the local district administration on November 3 banning the sect.

Manis Lor was again the scene of violence on October 20, 2004, during the Muslim fasting month of Ramadhan, when masked men set fire to *Ahmadiyah*'s At-Takwa and Al-Hidayah mosques, burning them to the ground. The attack followed the Kuningan regional administration's issuance of a circular banning religious ceremonies at *Ahmadiyah* mosques.

The pattern of violence resumed in 2005 when Jemaat *Ahmadiyah* Indonesia held its 46th annual meeting in Bogor over July 8-10 at its 4.5 hectare compound, which is known locally as the Al-Mubarak Campus because it contains a boarding school. Shortly before the meeting opened, members of the Islamic Defenders Front (Front Pembela Islam or FPI) arrived to warn they would mobilize the masses to break up the event if it was not cancelled. *Ahmadiyah* informed police of the threat and decided to go ahead with the meeting.

Attended by about 10,000 *Ahmadiyah* followers from across Indonesia and Southeast Asia, the meeting proceeded smoothly until about 3pm on July 9, when hundreds of people mobilized by the FPI and LPPI commenced a demonstration outside the complex.

Chanting "Allahu Akbar [God is Great]", the protesters initially demanded only that the meeting be dispersed on the grounds that *Ahmadiyah* is heretical and could therefore "disturb Muslims".

*Ahmadiyah* leaders responded by saying the meeting would not be disbanded because it posed no threat to the community. The protesters then began throwing stones, bricks and other projectiles at the complex and vandalized several vehicles of participants. Clashes soon erupted and people on both sides were injured as some of the *Ahmadis* sought to defend themselves. Three truckloads of police were deployed to the scene to bring the situation under control. None of the perpetrators were arrested. The atmosphere was tense when the meeting concluded a few hours ahead of schedule on the morning of July 10.

Determined to put a stop to *Ahmadiyah*, FPI and LPPI returned in greater force to the complex on July 15 and launched a more violent attack. Calling themselves Indonesian Muslim Solidarity, the attackers damaged several buildings, set fire to a women's dormitory and succeeded in having the compound evacuated. Hundreds of police stood by as the violence unfolded, but again made no effort to stop or arrest the perpetrators, who said their actions were prompted by the MUI fatwa.

Police forcibly escorted hundreds of *Ahmadis* out of the compound "for the sake of their own safety". They were taken to Bogor City Hall and later ordered to return to their hometowns. Some of them were briefly allowed back inside the compound on July 16 to collect their belongings.

Bogor Police chief Agus Sutisna claimed that none of the attackers could be identified because there were so many of them. He said officers had only questioned 10 people, all of them from *Ahmadiyah*, as witnesses.

The Bogor regional administration on July 20 formally closed down the complex and ordered a halt to *Ahmadiyah*'s activities, saying its teachings ran counter to Islam and could spark public disorder.

Administration spokesman Sjahuri said the order was backed by the local legislature, Religious Affairs Office, police, prosecutor's office, district court and MUI branch. He said *Ahmadiyah* had long been monitored by local authorities and warned to cease spreading its teachings, but the group had never responded. The Religious Affairs Office and local MUI branch were providing religious guidelines for *Ahmadiyah* followers, he added.

Indonesian Muslim Solidarity paid another visit to *Ahmadiyah*'s Bogor complex on July 22. Ignoring yellow police tape surrounding the center, the radicals forced their way inside and searched all buildings to ensure that no *Ahmadis* remained. Police yet again made no effort to stop the illegal incursion.

Fears of similar attacks quickly spread among *Ahmadiyah* congregations elsewhere in Indonesia, prompting the movement to tone down its activities. *Ahmadiyah*'s main office in Yogyakarta has taken down its main sign, while the movement's mosques in Bandung have tightened security and packed their translations of the Quran.

Authorities in Manis Lor on July 29 closed down *Ahmadiyah*'s local complex and mosques, saying the action was necessary to protect *Ahmadis* from possible violence. Kuningan Religious Affairs Office head Djainal Arifin said *Ahmadis* would be provided with guidance and counseling to convince them to return to "true Islamic teachings".

### **Heresy Accusation Rejected**

The persecution of *Ahmadiyah* has been widely condemned across Indonesia. Backed by the Civil Society Alliance for Freedom of Religion and Faith, Jemaat *Ahmadiyah* Indonesia chairman Abdul Basit has sought assistance from the Indonesian Legal Aid Foundation (YLBHI) to take legal action against MUI and the attackers. *Ahmadiyah* is now being represented by prominent lawyer Adnan Buyung Nasution, who said MUI should have "agreed to disagree" with *Ahmadiyah*, rather than issuing a fatwa that caused rioting and terror.

Basit said the attackers must be brought to justice to prove that Indonesia's minority groups will be protected from intimidation and terrorism. He denied that *Ahmadiyah* is heretical, saying it follows all Islamic teachings and rituals, and differs only because it believes that God's revelations were transferred to Mirza Ghulam Ahmad.

MUI says its fatwa forbidding the teachings of *Ahmadiyah* was based on a study of nine books about the sect. Indonesian *Ahmadis* say they do not recognize the books.

### **Government All Talk, No Action**

Vice President Jusuf Kalla condemned the attack on *Ahmadiyah*, pointing out that the Indonesian Constitution allows freedom of religion. He said Indonesians must not resolve religious differences with violence. "From both a religious and a state point of view, it is forbidden to settle conflicts of faith by means of force."

Fine words indeed, but utterly useless when the government fails to have the perpetrators of the attack arrested and brought to trial.

Kalla said the government would thoroughly investigate the case by questioning both sides. He said the government would also order a study to determine whether *Ahmadiyah* poses a danger to society, but added that a religion should not be banned if it espouses positive teachings. "A religion should teach followers to tolerate and respect other religions and beliefs," he said.

Echoing Kalla's words, Religious Affairs Minister Maftuh Basyuni urged the public "not to take the law into their own hands". He also said he would study *Ahmadiyah's* teachings to determine if they were heretical.

The minister later said his ministry's 1984 ban on *Ahmadiyah* from propagating its teachings remained in effect. "The religious ruling is that the teachings of *Ahmadiyah* are against Islam and therefore we forbid the propagation of this misleading faith. We have already had a ruling on this matter, and therefore there is no need to issue another one," he said after a meeting with President Susilo Bambang Yudhoyono on July 19.

Five days after the attack, Attorney General Abdul Rachman Saleh said his office was considering banning *Ahmadiyah* because it had violated its founding permit by propagating teachings that could disturb public order.

Saleh said he would consult with Basyuni before declaring a ban against *Ahmadiyah*. Reports said it would require a presidential decree to outlaw the sect. It seems unlikely such a decree will be issued. Equally unlikely is the prospect of the attack's masterminds being rounded up and tried.

Yudhoyono eventually ventured into the Islamic tolerance debate on July 26, when he opened MUI's four-day national congress in Jakarta. He urged the council to campaign against acts of violence and terrorism that tarnish the image of Islam.

He also asked MUI to issue edicts in support of government policies, such as peacefully resolving separatist violence in Aceh province and persuading the public to reduce fuel consumption.

### **Muslim & Other Reactions**

Scores of Muslim scholars, including officials from the nation's two largest Muslim organizations, Nahdlatul Ulama and Muhammadiyah, were united in their condemnation of the attack on *Ahmadiyah*, saying violence is not the solution to religious differences.

The strongest response to the attack came from Islamic and other religious figures grouped in the Civil Society Alliance for Freedom of Religion and Faith, which demanded legal action be taken against the perpetrators of the "uncivilized act".

The alliance also called on MUI to revoke its fatwa, and urged Yudhoyono and National Police chief General Sutanto to ensure the case is thoroughly investigated and resolved.

Among the figures in the alliance are former president Wahid, Sukidi of the Muhammadiyah Center for the Study of Religion and Civilization, Dawam Rahardjo of the Institute of Religious and Philosophical Studies, Siti Musdah Mulia of the International Conference on Religion and Peace, Usman Hamid of the Commission for Missing Persons and Victims of Violence, Benny Susetyo of the Indonesian Bishops' Conference, Weinata Sairin of the Indonesian Communion of Churches, Ulil Abshar Abdalla of the Liberal Islam Network, Ahmad Suaidy of the Wahid Institute and Asep Saufan of the Muhammadiyah Youth Association.

Sukidi said the aggression proved the government could not protect the religious freedom of Indonesians. "Security personnel even protected the attackers. This was an indication of the incivility of the state," he said.

Rahardjo, a cofounder of the Indonesian Muslim Intellectuals Association (ICMI), said he feared the incident would inspire similar attacks. He also criticized MUI for issuing the fatwa

against *Ahmadiyah*. “Organizations like Muhammadiyah and Nahdlatul Ulama have never issued any statement about *Ahmadiyah* while they are also Muslim,” he said. The attack was a violation of the Constitution, which guarantees the freedom of religion, he added.

Mulia said the incident showed that Muslims had failed to demonstrate that Islam upholds religious pluralism. Hamid said the attack could not be justified because it was a violation of human rights. Susetyo said such an incident was able to occur because the state had given impunity to perpetrators of similar acts of violence in the past. He also said it was a sign of the destruction of public civility. “Differences are not something that must be wiped out,” he said.

Sairin said the destruction set a bad precedent for freedom in Indonesia. “This is not only a religious problem but it is also about developing nation and statehood,” he said.

Abdalla, who received death threats in 2003 after criticizing conservative clerics, said MUI’s fatwa should be revoked because it had provided “legitimacy” for the attack. He said MUI must be held responsible for the violence and taken to court. He also said FPI’s paramilitary leader Habib Abdurrahman Assegaf had provoked the assault and should be brought to justice.

Suaidy called for a formal investigation into the motive of the attack, saying it had involved local government officials. Saufan expressed concern that further acts of inter-religious anarchy would flare up if the case was not thoroughly resolved.

Members of the alliance have met with the attorney general to urge the government to ensure the people’s right to practice the faith of their choice.

Other influential figures followed suit in condemning the attack on *Ahmadiyah*. Azyumardi Azra, rector of the Syarif Hidayatullah Islamic State University in Jakarta, said MUI’s fatwa was counterproductive and must be reviewed. He said MUI should invite *Ahmadiyah*’s followers to a dialogue rather than persecute them, especially because their beliefs may have changed since the original fatwa was issued more than 20 years ago. Such a dialogue could be mediated by the government, he said.

Azra criticized the government for tolerating people who take the law into their own hands and force their will on others in the name of religion. He said anarchy will prevail if the state does not protect its citizens without distinction.

M. Billah of the National Commission on Human Rights (Komnas HAM) described the attack as a violation of the right to freedom of religion and prayer. He said the commission would conduct an investigation to identify those responsible for the violence.

Affif Muhammad, a lecturer at Sunan Gunung Djati Islamic Institute, likewise said Indonesians should have the right to practice their religion without the threat of being persecuted, monitored or banned. He said the country’s growing number of faiths and religious groups was no cause for alarm, as long as they do not try to force their will on others.

He urged MUI to resolve the country’s increasing number of inter-faith conflicts by promoting religious pluralism within society and encouraging people to accept differences. He also said the concept of religious tolerance should be taught in schools.

### **MUI Rebuffs Criticism, Issues Harsher Edicts**



Appeals for MUI to promote religious pluralism and tolerance have fallen on deaf ears. At the conclusion of its July 26-29 national congress in Jakarta, MUI issued 11 fatwas, including one against pluralism, secularism and liberalism. The old ban on *Ahmadiyah* teachings was reissued, as was a ban on interfaith marriages.

MUI deputy chairman Din Syamsuddin told the congress that *Ahmadiyah* should either change its beliefs about the finality of Muhammad's prophethood or relinquish its claim of being Islamic and form a new religion.

Maruf Amin, head of MUI's fatwa committee, claimed that groups that interpret the Quran rationally, rather than literally, do not adhere to true Islam.

In response to MUI's new fatwas, prominent Muslim figures have pointed out the edicts can be ignored because they are not legally binding if not backed by legislation. There have even been some calls for MUI to be disbanded because it poses a security threat.

### **MUI's 11 New Fatwas**

1. Violations of intellectual property rights, including copyright, are forbidden. Protected intellectual property rights are those that do not violate Islamic law.

2. Shamanism and fortunetelling are forbidden. Publications and television programs about such supernatural practices and mysticism are forbidden. "Programs about fortune-telling and Satan, of which there many on television, are forbidden because they lead believers astray," MUI Fatwa Board chairman Maruf Amin was quoted as saying by Tempo Interaktif.

3. Interdenominational prayer is not recognized by Islamic law and therefore a form of heresy. It is forbidden to say "amen" to prayers led by a non-Muslim.

4. Marriage between followers of different religions is forbidden. MUI already issued a fatwa banning interfaith marriage in 1980. Amin said the ban is necessary to improve the religious quality of Muslims.

5. Islamic law on inheritance is not applicable for non-Muslims, except in cases of wills and endowments.

6. Only institutions with proficiency in Islamic law can determine what is in the public interest.

7. Islamic thought and teachings influenced by pluralism, secularism and liberalism are forbidden. Muslims should view Islam as the true religion and other religions as wrong. MUI Commission C chairman Hasanuddin said pluralism is forbidden if it is defined as the view that all religions are equal. "Pluralism may be permitted if it is interpreted as the reality that members of the public follow different religions and must consequently respect each other and get on well together," he was quoted as saying by the *Republika* daily. Amin said liberalism is not in accordance with Islamic teachings because, for example, it is against polygamy and favors women becoming preachers. He also said groups that interpret the Quran rationally, rather than literally, are deviating from true Islamic teachings.

8. The government cannot arbitrarily take over private land. Land takeovers must be in the public interest and not done for commercial interests. Appropriate compensation must be paid through an agreement with the landowner.

9. Women cannot lead prayers when men are in attendance. Women can only lead prayers in all-female congregations.

10. *Ahmadiyah*'s teachings are banned because the sect does not recognize Muhammad as the last prophet. The group's two subsects, *Ahmadiyah* Lahore and *Ahmadiyah* Qadani, are heretical because their teachings are deviant and misleading. *Ahmadiyah*'s followers are considered to have deserted the Islamic faith. MUI urged the government to immediately take firm action by banning *Ahmadiyah*.

11. Islam permits the death sentence for serious crimes and the state can apply such punishment if a criminal cannot mend his ways (Tupai, R. 2005, 'The Right To Faith No More', *paras indonesia* website, 2 August <http://www.parasindonesia.com/read.php?gid=53> – Accessed 1 September 2006 – Attachment 1).

In August 2005 *Newsweek* reported on the manner in which the Indonesian government appeared unwilling to protect the *Ahmadiyya* community following a large scale attack on the *Ahmadiyya* headquarters in Bogor, West Java.

In dark trousers, batik shirts and traditional peci caps, Abdul Basit and his friends look like any other Indonesian Muslims. Basit, 52, is the head of *Ahmadiyya*, a splinter Islamic sect best known for its belief that Muhammad was not the last prophet. ...In June thousands of Indonesian Muslims marched on *Ahmadiyya*'s headquarters in Bogor, breaking windows and injuring followers with stones. Books were pillaged from the group's library and burned. "We have been here for 80 years... and never broken any laws, so how can people tell us we have to change our religion?" asks Basit. "How can other people say we have no right to our beliefs? It's ridiculous."

It's much more serious than that. Islamic academics and other experts say the attack exposes a growing schism among the 200 million Muslims in Indonesia. Even as President Susilo Bambang Yudhoyono, better known as SBY, is trying to modernize Indonesia's international image, many of the country's Muslims are looking more conservative. Greg Fealy, a research fellow and lecturer in Indonesian politics at the Australian National University, says that the Iraq war and global efforts to fight terrorism have created a "siege mentality" in many Muslims, intensifying their conservatism. Meanwhile liberal Muslims in Indonesia, taking advantage of newfound freedoms, are becoming more vocal. That is starting to stir a backlash. Perhaps more significantly, the two biggest Muslim organisations in the country – Muhammadiyah and Nahdlatul Ulama (NU), which have been a moderating force historically and together have some 70 million members – are now led by conservatives.

... Earlier this month the top clerical body, the Indonesian Ulema Council (MUI), which comprises a broad range of Muslim groups, including NU and Muhammadiyah, issued several fatwas, or Islamic edicts, that have caused alarm. The MUI renewed its claim that *Ahmadiyya* was an illegitimate religion, and outlawed mixed-faith marriages and interfaith prayers. The MUI also issued a vague ban against liberal religious thought, pluralism and secularism, which some analysts say is evidence that conservatives are testing the government's resolve. "The conservatives are flexing their muscles... and establishing their presence in the political landscape," says Yenny Zannuba Wahid, daughter of former Indonesian president and NU leader Abdurrahman (Gus Dur) Wahid. The MUI has no legal authority and cannot enforce its edicts, but it does sway people.

So what is the MUI up to? Some analysts say that it wants to counterbalance the largely secular government. Representatives of the International Crisis Group told NEWSWEEK the recent MUI fatwas reflect the growing influence of two groups in particular – the Dewan Dakwah Islamiyah Indonesia, an organisation closely linked to the radical right, and the Committee for International Islamic Solidarity, a hard-line missionary group founded in the late 1980s during the Suharto regime.

Analysts say the authority of the MUI has been inadvertently enhanced by the government's reluctance to criticise the clerical leadership. They note that authorities have done little to find the perpetrators of the *Ahmadiyya* attacks. Most government officials are uncomfortable with the hard-liners, but they also realise that they need the large conservative organizations to help implement national goals. Indeed in late June, Yudhoyono himself opened the MUI's annual conference. The president urged the mullahs "to intensify their campaign against acts of violence that tarnish Indonesia's image." He also called on the clerics to help persuade Indonesians to reduce their fuel consumption. Government fuel subsidies are a major drain on the national budget.

Sidney Jones, an expert on terrorism in Indonesia with the International Crisis Group, calls SBY's decision to attend the meeting "unfortunate." A leading Indonesian Islamic scholar, Azyumardi Azra, says the government "doesn't know what to do. It's afraid to oppose the conservatives because certain groups could radicalise."

The attack on the *Ahmadiyya* complex illustrates the dilemma. If the government defends the right of *Ahmadiyya* to exist, it will alienate millions of Muslims. If it doesn't, it will effectively repudiate the importance of religious freedom. Neither option is appealing, so the central government is sitting on the fence and letting local officials make decisions. The government in Kuningan, Bogor, has shuttered *Ahmadiyya*'s headquarters, claiming the group was engaged in "un-Islamic activities."

Din Syamsuddin, the deputy chair of the MUI and newly elected chairman of Muhammadiyah, says that the MUI is not against social and political pluralism – just religious pluralism. "If you look at what the idea of religious pluralism is, it's the idea that you embrace all religions as the same," he says. "It says there's no absolute truth in one religion. The Ulama in the MUI see this as a contradiction to Islam, which is the absolute truth" (Unmacht, E. 2005, 'A Muslim Schism', *Newsweek* website, 15 August <http://www.newsweek.org/id/8852859/site/newsweek/from/RL.1/> – Accessed 29 August 2006 – Attachment 3; see also: 'Attacks on moderate Muslim sect put Jakarta in a bind' 2005, *Taipei Times* website, 9 August <http://www.taipeitimes.com/News/world/archives/2005/08/09/2003267024> – Accessed 29 August 2006 – Attachment 4).

## **7. Please provide any other relevant information.**

The February 2006 report on the West Lombok attacks, published by Indonesia's *MetroTV* and reproduced on the Persecution of *Ahmadiyya* Muslim Community website, makes reference to previous attacks in the area including a 1999 attack which may be the incident referred to in the Applicant's claims: "it was the third incident happened to *Ahmadiyya* members in Lombok. In 1994, *Ahmadi* village in Bayan district destroyed by mass. In 1999, the incident happen again in Aikmal district, East Lombok. Whereas, *Ahmadi* houses in Gegerung Village has been built since two and a half year ago" ('Head Of *Ahmadiyya* Indonesia: We Want To Live In Peace' 2006, *MetroTV* website, 8 February <http://www.thepersecution.org/world/indonesia/06/02/mt08i.html> – Accessed 29 August 2006 – Attachment 22).

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<http://portal.komnasham.go.id/>

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*Jemaat Ahmadiyah Indonesia* (JAI; the Indonesian Ahmadiyah Congregation) website

<http://www.Ahmadiyya.or.id>

The Persecution of *Ahmadiyya* Muslim Community website <http://www.thepersecution.org/>

## **International News & Politics**

*Koninklijk Instituut voor Taal-, Land- en Volkenkunde* (KITLV; Netherlands Institute for Southeast Asian and Caribbean Studies) website <http://www.kitlv.nl>

*The Taipei Times* website <http://www.taipeitimes.com>

## **Region Specific Links**

*The Jakarta Post* website <http://www.thejakartapost.com>

*MetroTV* website <http://www.metrotvnews.com>

*paras indonesia* website <http://www.parasindonesia.com>

*Tempo* website <http://www.tempointeractive.com/>

## **Search Engines**

Google search engine <http://www.google.com.au/>

## **Databases:**

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

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