

URGENT ACTION

GANG-RAPED WOMAN COULD NOW BE CANED

A woman gang-raped by eight men who accused her of adultery is now at risk of being caned for this “offence” in Indonesia’s Aceh province.

According to the Head of the Shari’a office in Aceh province’s Langsa district, a woman who had been accused of adultery by eight men and was then gang-raped by them on 1 May could now be caned a maximum of nine times. Adultery is considered a crime under Shari’a bylaws passed in the province in 2003.

The eight men stormed into the woman’s home in Langsa district and accused her of having an affair with a married man. After gang-raping her and beating her male companion, the couple were handed over to the district’s Shari’a office by the local village head. Aceh province police arrested three of the eight men on 4 May, and are still looking for the others.

Caning is a form of cruel, inhuman and degrading punishment and violates the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, which Indonesia ratified in 1998. The UN Committee against Torture has raised concerns that people detained under Aceh province’s bylaws are not afforded their basic legal rights, including the right to legal counsel, and are apparently presumed to be guilty. The UN Human Rights Committee stated in 2013 that the implementation of the bylaws by Aceh province’s Shari’a police disproportionately affects women.

Despite its human right obligations, the central government has refused to repeal Shari’a bylaws which use caning as a form of punishment, arguing that these laws are part of the special autonomy arrangements with the province.

Please write immediately in English, Indonesian or your own language:

- Expressing concern that caning the woman accused of adultery in Aceh province’s Langsa district would constitute torture and cruel, inhuman and degrading punishment;
- Urging the authorities to end the use of caning as a form of punishment and repeal the bylaws that allow it in Aceh province;
- Calling on them to undertake a review of all local regulations that have been put in place in the last decade in Aceh, to ensure that they are in full conformity with international human rights law and standards, as well as with human rights provisions set out in Indonesia’s Constitution and the 1999 Law on Human Rights.

PLEASE SEND APPEALS BEFORE 23 JUNE 2014 TO:

Minister of Home Affairs

Gamawan Fauzi
Ministry of Home Affairs
Jl. Medan Merdeka Utara No.7
Jakarta Pusat 10110, Indonesia
Fax: +62 21 385 1193
Email: pusdatinkomtel@kemendagri.go.id

Salutation: Dear Minister

Minister of Women’s Empowerment and

Child Protection
Linda Agum Gumelar
Jalan Medan Merdeka Barat No. 15
Jakarta, 10110
Indonesia
Fax: +62 21 380 5562
Email: humas.kpppa@gmail.com

Salutation: Dear Minister

And copies to:

Director General for Human Rights
Harkristuti Harkrisnowo
Ministry of Law and Human Rights
Jl. H.R. Rasuna Said Kav No. 4-5
Kuningan, Jakarta Selatan 12950
Indonesia
Fax: +62 21 525 3095

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

As part of the decentralization process which started in 1999 to 2000, and special autonomy packages for certain provinces in Indonesia, there has been an increase in locally-enacted bylaws and regulations on a number of issues, such as health, education and family affairs.

Aceh's provincial legislature passed a series of bylaws governing the implementation of Shari'a law after the enactment of the province's Special Autonomy Law in 2001. Caning was introduced as a punishment carried out by Islamic courts for a range of offences including adultery, consumption of alcohol, being alone with someone of the opposite sex who is not a marriage partner or relative (*khalwat*) and for any Muslim found eating, drinking or selling food during sunlight hours in the fasting month of Ramadan. At least 139 people were caned in Aceh province between 2010 and 2013.

The UN Committee on the Elimination of Discrimination against Women (CEDAW) has also raised concerns about discriminatory bylaws in Aceh province that restrict women's rights in the conduct of their daily life, impose dress codes and restrict freedom of movement. In 2012 the CEDAW Committee called for the bylaws to be amended.

In addition, the Aceh Islamic Criminal Code (Qanun Hukum Jinayat) passed by the Aceh parliament in 2009 provides for stoning to death for adultery and caning of up to 100 lashes for homosexual and premarital sex. This code has not yet been implemented, in part because of intense criticism at local, national, and international levels. A revision of the Code is being discussed by the local government and parliament of Aceh. The stoning sentence has reportedly been removed but the current draft still includes caning as a form of punishment.

See this report for more details: <http://amnesty.org/en/library/info/ASA21/011/2014/en>

Name: A woman to be caned for adultery

Gender m/f: f

UA: 121/14 Index: ASA 21/014/2014 Issue Date: 12 May 2014