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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 January 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Indonesia: Forced summoning of two human rights defenders who criticized the Minister of Maritime is a form of arbitrary action by the police

On January 18, 2022, Ms. Fatia Maulidiyanti, a Coordinator of the Commission for the Disappearances and Victims of Violence (KontraS), a national human rights non-Governmental organization (NGO) and Mr. Haris Azhar were visited by five police officers of the Jakarta Metropolitan Police Office (Polda Metro Jaya). Fatia Maulidiyanti, a Coordinator of KontraS, was visited at her home and was forcibly summoned by five police officers from the Polda Metro Jaya. Meanwhile, Haris Azhar was also visited by four police officers directly at his residence. The arrival of the police was carried out to ask for information from Fatia and Haris regarding the police report submitted by the Coordinating Minister for Maritime Affairs and Investment, Luhut Binsar Panjaitan. Upon the arrival of the police, Fatia and Haris refused to be taken away without being accompanied by a legal representative and they chose to come alone to the Polda Metro Jaya this afternoon, at 11.00 a.m.

In the context of the cases concerning Fatia and Haris, previously they had a cooperative intention to carry out investigations and fulfill summons from the police. This can be seen from when on several occasions, Fatia and Haris, through their legal representatives, sent a letter requesting a postponement of the examination because they were unable to attend at the time requested by the police. However, the police never gave a serious response to the request for a postponement of the requested examination time.

The legal process carried out by the police must of course be in accordance with the provisions of the laws and regulations and universally applicable human rights principles. The summons and legal proceedings against Fatia and Haris seemed forced and rushed. This is because, compared to many other cases, the police often delay police reports on ordinary crimes, causing the cases to stall.

In fact, it is not common for the police to reject public reports, triggering the hashtag #PercumaLaporPolisi# / #Useless filed police report#. Meanwhile, in the cases of Fatia and Haris, the police were very quick in processing and following up on the reports from Luhut Binsar Panjaitan. This further confirms that there is an alleged conflict of interest in cases involving the interests of public officials.

The arrival of the Polda Metro Jaya police to the residences of Fatia and Haris also emphasized that the police can be used as a State's tool to frighten people who are criticizing the Government/public officials for the policies issued.

Haris and Fatia were charged under Article 27 paragraph (3) of the Electronic Information and Transactions Law (UU ITE) about defamation and the Indonesian Penal Code under Article 310 about attacking someone's honour or reputation with accusations and Article 311 about defamation.

This situation has further exacerbated the condition of democracy and the space for civil liberties in Indonesia, whose numbers have continued to decline in recent times. Especially in the cases of Fatia and Haris, criminalization efforts are aimed at expressions, criticisms and research carried out by the civil society as part of public scrutiny. The police should act professionally by guaranteeing the civil liberties of the community and not taking sides with the interests of officials.

With regard to the points above, we requested the Council to urge :

1. The Jakarta Metropolitan Police / Polda Metro Jaya stop prosecution against Haris and Fatia and ensure protection of human rights defenders.
2. The Jakarta Metropolitan Police / Polda Metro Jaya to ensure the freedom of expression of the people, especially Fatia and Haris Azhar;
3. The Jakarta Metropolitan Police / Polda Metro Jaya to not act arbitrarily and remain committed to maintaining democracy in Indonesia by implementing

laws and policies that have been made for the benefit of the community and not to suppress the freedom of expression of the citizens.

4. Officially invite the UN Special Rapporteur on the right to freedom of expression to visit Indonesia as soon as possible. Let him or her appraise the grassroots problem on the ground for themselves and from their own opinion
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