

ASIA ALLIANCE AGAINST TORTURE JOINT STATEMENT

On the Subpoena Issued by Indonesian Coordinating Ministry of Maritime Affairs to Fatia Maulidiyanti and Haris Azhar

15th September 2021

As of 26th of August 2021, Indonesian Coordinating Ministry of Maritime Affairs, Luhut Binsar Pandjaitan, issued a subpoena to Fatia Maulidiyanti (Executive Coordinator of KontraS) and Haris Azhar (Executive Director of Lokotaru). The subpoena was requested by reason of defamation against the ministry. Defamation was seen through Fatia and Haris' talk show video on 20th August 2021 regarding their findings of business activities of Indonesian army officials and their plan to exploit the gold mining sector from Blok Wabu area in the Sugapa District, Papua. In the video, both source person stated the fact that Mr. Pandjaitan also owns shares in the plan, to be precise, in PT. Tobacom Del Mandiri and PT Toba Sejahtera Group, companies that are involved in the mining.

Stating this, the source persons were then issued subpoena to apologize to the ministry and to erase the video. But both Ms Maulidiyanti and Mr. Azhar declined the offer since they were speaking the truth and spitting facts of what was happening and what they found in the research with other human rights organizations. Seeing this, the ministry then issued a second subpoena that threatens Ms. Maulidiyanti and Mr. Azhar. The ministry's stance was that not only defamation, but they both violate the Electronic Information and Transactions Law.

The action above put Indonesia's human rights, especially the freedom of speech and the situation of human rights defenders, at risk. This has happened for several years and in many cases, youth and many other parties who were trying to voice out their thoughts are apprehended, silenced, and many more. The military forces that were sent to Papua Province was one of the concrete examples. People who were trying to state and point out what was biased and dishonest in the government were violated. People across Indonesia who were protesting, hungry for a safer human rights protection were thrown tear gases and pushed away.

The case explained in the first and second paragraph is one of the pieces of the pattern. Those who are trying to spit facts inside the governance of Indonesia will be silenced. Thus, Asia Alliance Against Torture urges the Indonesian government to:

1. Prompt Mr. Luhut to revoke the threat given to Ms. Maulidiyanti and Mr. Azhar.

2. Revise Electronic Information and Transaction Law Article 27 Paragraph 3 regarding defamation through electronic information to “Any person intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that contain insults and/or defamation **without legal proof**”
3. Respect the rights of NGOs and the society in general that criticize the government through any sources of media.

Signatories:

1. The Commission for the Disappeared and Victims of Violence (KontraS)
2. Advocacy Forum
3. Musawi Pakistan
4. MASUM India
5. Odhikar Bangladesh
6. Suaram Malaysia
7. Right to life Sri Lanka
8. Cross Cultural Foundation Thailand
9. Task Force Detainees of the Philippines (TFDP)
10. Medical Action Group Philippines