



**UJN OBSERVER MISSION TO INDONESIA:
INVESTIGATING
CLAIMS OF
SECTARIANISM**

DELEGATION MEMBERS: Massoud Shadjareh, Mohideen Abdel Kader, Imam Muhammad Al-Asi and Osama Daneshyar, with Farah Mirza Bukhari

AUTHORS: Farah Mirza Bukhari and Faisal Bodi

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Table of Contents

| | |
|--|----|
| Introduction..... | 6 |
| Objectives of the visit | 7 |
| Sampang sectarian conflict and its impact on Indonesia and the Muslim Ummah | 8 |
| Sports centre visit to meet refugees | 9 |
| Living conditions in Sampang Sports Centre | 10 |
| Villagers’ eyewitness testimonies of the Sampang attacks | 14 |
| Meeting with Vice-Mayor of Sampang, East Java..... | 18 |
| Meeting with Majelis Ulema, EJ..... | 19 |
| Meeting with Majelis Ulema Indonesia (MUI) | 21 |
| Meeting with Dr. Albert Hasibuan, Advisor to the President | 22 |
| Meeting at the Islamic Institute, Surabaya..... | 23 |
| Meeting with Indonesian Association of Muslim Intellectuals | 24 |
| Seminar on Islamic Human Rights, Jakarta, Indonesia | 25 |
| Meeting with Hizbut Tahrir, Indonesia | 26 |
| Meeting with National Human Rights Commission | 27 |
| Meeting with PKS party | 28 |
| Meeting with Mizan Publications | 29 |
| Meeting with Lawyers and Academics bringing a constitutional challenge to the implementation of the Law of Blasphemy | 30 |
| Additional Issue discussed by the Delegation..... | 31 |
| Strengthening NGO Network..... | 31 |
| Problems for Indonesian Migrant workers..... | 32 |
| Outcomes of the visit | 32 |
| Conclusion | 33 |
| Recommendations | 34 |
| Recommendations for the Organisation of Islamic Cooperation | 34 |
| Appendix A | 35 |
| Appendix B | 41 |
| Endnotes | 43 |

Introduction

In January 2013 a delegation of human rights activists from Universal Justice Network visited Indonesia prompted by the sectarian tensions surfacing in a historically tolerant and diverse society. The SE Asian countries have previously been immune from such conflicts but along with foreign agents, religious institutions and the media are becoming the main catalysts of sectarian tension. The Indonesian tensions arise against a backdrop of politicians worldwide stirring sectarian conflict to create disunity among Muslims. The delegation's visit was prompted by concerns regarding various incidents of sectarianism, with a view to investigating these cases, assessing the pervasiveness or otherwise of sectarianism in Indonesia (a country hitherto known for intra-Muslim communal harmony) and other issues relating to community harmony in general.

The team included Massoud Shadjareh, Chair of Islamic Human Rights Commission (IHRC), Barrister Mohideen Abdul Kader from Citizens International, Farah Mirza-Bukhari of IHRC as the rapporteur for the visit, Imam Asi, elected Imam of Washington Mosque and editor of Crescent News, and Barrister Osama Daneshyar.

The UJN is a joint initiative by Citizens International and the Islamic Human Rights Commission. The UJN is an umbrella networking organisation consisting of 72 Muslim NGOs with a human rights interest, working together to create a better and just society for all.

The alleged sectarian incident that prompted this mission was the arrest of Tajul Muluk, a religious leader from Karang Gayam, a village in East Java, with a sizeable Shia community. Muluk was subsequently charged with hatred of religion on 16th March 2012 following allegations from the Majelis Ulama Indonesia (MUI) of blasphemy and deviant teachings. He was found guilty and initially sentenced to two years imprisonment by Pengadilan Negeri Sampang (district court). In September 2012, Muluk appealed the sentence before the East Java High Court only to have his sentence increased from two to four years. Muluk has strenuously denied the allegations and his lawyers say that to date no evidence has been submitted to any of the three courts that have tried him: the Pengadilan Negeri Sampang (district court), Pengadilan Tinggi Jawa Timur (provincial court) and Mahkamah Agung (supreme court). The failure to provide evidence and the verdict is arguably the result of sectarian discrimination, which together with other sectarian tensions, including violence, is rising in certain parts of the country. A mob in Puger, Jember, East Java attacked a house belonging to the Sufi teacher and also the head of Darus Solihin Islamic school, Habib Ali bin Umar Al-Habsyi, on 16th January 2013. They accused the Sufi teacher of preaching Shia teachings to the community. He has denied this and categorically stated that he is a Sunni.

The Shia residents of Nangkernang and Blu'uran villages in Sampang were attacked on the Islamic festival of Eid al-Fitr, 26th August 2011. The attack left two people dead, several more severely injured and some 235 people, including 60 children, displaced. Many of their houses were burned to the ground.

Objectives of the visit

The objectives of the mission were to meet representatives from government, civil society groups and academia to discuss the sectarian conflict in Sampang, East Java, identify its root causes and propose solutions, strengthen civil society organisations in Indonesia under the umbrella of the UJN, tackle the plight of Indonesian migrant workers and discuss how UJN and the authorities can work together on conflict resolution and tackle the wider problem of sectarianism.

The UJN delegation travelled to Indonesia to meet with various influential organisations and people, some of which included the Indonesian government, NGOs, activists, religious leaders and policy makers. The delegation's aim was to highlight the need for enhancing understanding and cooperation within the Muslim Ummah and prevent the further spread of sectarianism. UJN also believes that Muslim NGOs need to be skilled in addressing the real dangers faced by the Ummah in the international arena.

The delegation's mission objectives were:

- To visit the Internally Displaced Persons (IDPs)
- Investigate the situation by seeing all parties impartially and making relevant recommendations
- To explore what could be done regarding migrant workers' rights, seeing how UJN could make this part of a campaign for improved migrant workers' rights.
- Explore how co-operation between the government and NGOs in Indonesia could be strengthened to empower more NGOs at the international level.
- To distribute aid that had been donated for the IDPs.

Sampang sectarian conflict and its impact on Indonesia and the Muslim Ummah

Background

In the 1980's Tajul Muluk's father, Kiai Makmun, a Shia, moved to Sampang. During this period the pre-existing Indonesian Shia community was joined by many new followers of the Jafari fiqh⁽¹⁾ such as Kiai Makmun and Tajul Muluk.

Kiai Makmun led the Shias peacefully and lived in peaceful co-existence with the Sunni villagers of Sampang. In 2004, Kiai Makmun passed away and Tajul returned from Saudi Arabia. Tajul built an Islamic school called Misbahul Huda in Sampang village. Tajul's active da'wah attracted attention and became a point of controversy for the local Sunni Ulema.

In 2006 when the Shia's started to receive threats, the Ulema in Sampang increased their support for Tajul's uncle, Kiai Ali Karrar, who was part of the Sunni Shafi school of thought. The delegation asked as to when the sectarian tensions started. They were advised by some of the internally displaced villagers that on the 26th of February 2006 Kiai Ali, part of Majlis Ulema in Madhura, wanted to release a fatwa stating that Shias were deviant.

Following threats to the Shia community of Sampang Tajul Muluk was coerced into signing a document by local ulema stating that he would no longer propagate Shi'ism. By 2011, Majlis Ulema, Madhura and PCNU Sampang - a branch of Nahdlatul Ulema, a traditionalist Sunni group in Indonesia and Muspida – and the Council of Provincial Leaderships took the decision to relocate Tajul from Madhura in East Java. Tajul and his family were told he must relocate as he was believed to be the source of conflict. Tajul moved to Malang on 8th April 2012.



Map of East Java, Indonesia

Sampang is situated in Madura, East Java.

Tajul Muluk relocated to Malang 8th April 2012.

On 29th December 2011 approximately 500 people attacked and burned the school in Sampang that Tajul had founded called 'Misbahul Huda'. The houses of Shias were also burned, resulting in approximately 700 Shia refugees.

By 2012, Majelis Ulema (East Java)² released a fatwa declaring the Shia Ithna'Asheri a deviant sect (see Appendix A). Majelis Ulema Sampang also declared that Tajul Muluk and his followers were deviants.

Sports centre visit to meet refugees

The UJN delegation visited Wijaya Kusuma Sports Centre, in Sampang, East Java, where the villagers had sought shelter.

The delegation could not visit the village in Sampang where the attack took place and interview the residents there as they were told by the local partners that it was too dangerous and not easily accessible. It was not possible for the delegation to interview the leader of the Sampang Shia community, Tajul Muluk, who was in prison; however the delegation was able to hold a telephone conversation with him.

During the delegation's visit it had the opportunity to meet with the Sampang victims to discuss the incidents that had occurred since the beginning of the sectarian conflict.

The UJN delegation met with the Sampang villagers in the sports complex. When the delegation visited the IDPs it had already been five months since their relocation to the sports centre. Upon arrival the UJN observers witnessed a large hall with the refugees congregated in prayer. Children's drawings had been pinned onto a fence encircling the hall and there were blue plastic sheets lining the concrete floor.

The first interview was with the wife of Tajul Muluk, Umme Kalsum. Umme Kalsum told the UJN that in 2011, Rois Al-Hukuma - the younger brother of Tajul Muluk - and Tajul had a disagreement; this is a theory which many sources including the newly elected Vice-Mayor of Sampang have cited as the real source of the Sampang conflict.

However, through interviewing the Sampang refugees, as well as meeting with a human rights lawyer, NGOs, as well as religious leaders and government officials, the UJN was able to piece together the series of events that had taken place.

Through the various interviews, the delegation was able to construct a coherent narrative regarding the events relating to Tajul Muluk's case, the attacks on Shia villagers, and the rise of sectarianism in Indonesia.

Living conditions in Sampang Sports Centre

The UJN, with the help of donors, was able to take urgent aid supplies to assist the Sampang refugees. The aid consisted of milk, nappies, food and water - all of which the refugees had told the local volunteers they were struggling to obtain.



Aid being delivered to the IDPs at the Sports complex in Sampang donated by UJN delegation and supporters.



Massoud Shadjareh handing over aid to a villager at the Sampang Sports Centre.

On arrival, the delegation witnessed fencing that had been used around the sports hall to hang clothing on; personal belongings such as Qur'ans, water buckets and clothes had been stacked up in piles of bags behind large sheets of cloth used to section off the men and women's quarters.



Living conditions in Sampang Sports Complex

Dust sheets covered parts of the concrete floor where the IDPs ate, slept and prayed. The teacher provided by the government for the children had been withdrawn after three months. The effect on the children's well-being was profound. They were left with no educational facilities. Whilst the delegation was present in Indonesia local students from the Psychology Department of University of Surabaya³ organised activities with the children, in an attempt to address the emotional trauma that the children were suffering. Without consistent government teaching the children were missing out on a vital period of learning. As many of their parents cannot read and write it is imperative that the children do not miss the opportunity of learning while they remain IDPs.

There are many references to the right to education in Indonesia's constitutional, legal and policy documents. Although the right to education was enshrined in the 1945 Constitution, its full realisation is still, almost 60 years later, an elusive goal for many citizens.

Drawings by the children had been pinned next to a banner of support from the university students with messages of support for the IDPs. Many of the messages read 'We are family'.



A banner of support from university students



Children's drawings pinned on the fence inside the sports centre.



Meeting the Psychology students from the University of Surabaya.



Children's message to the President

The above picture reads: 'Mr President SBY (Susilo Bambang Yudoyona). We want to go home to our village and want to go to school again, please protect me. The Shia children of Sampang'.

Villagers' eyewitness testimonies of the Sampang attacks

On the 6th of January 2013, the delegation interviewed many villagers who had witnessed the violence and threats first-hand - three of them extensively - about the events that led to their displacement.



Umme Kalsum (centre in the Lilac Hijaab)

Umme Kalsum, the wife of Tajul Muluk, informed the UJN that some of the Sunni villagers told the Shia villagers that if they did not convert to Sunnism their houses would be burned and they would be killed. These threats were made between the 23rd and 25th August 2011.

On the day of the attack, 26th August 2011, Sulayha, a 22 year-old Shia resident of the village recounted the attack against her father, 45 year-old Hashim Hamama. On the day of the attack Sulayha heard an announcement being made on a loudspeaker: “Burn the houses and kill the Shia”. Initially a group of 100 men chanting that the Shia mosque be burned rapidly grew into approximately 1000.



Massoud Shadjareh (far left) and Farah Mirza-Bukahri (left of centre) both of IHRC take statements from Sulayha, daughter of one of the victims.

The UJN asked Sulayha if she recognised any of the perpetrators to which she replied, “Yes, we recognised faces in the mob, they surrounded us. My father said to stop, he said we are brothers, we can live together peacefully, and we are neighbours.” At this point the attacker who stabbed Sulayha’s father, replied, “No you are not Muslim anymore, you must die.”



IHRC Chair Massoud Shadjareh (left) listening to accounts of the violence.

Sulayha cried as she recounted the attack and subsequent death of her father. A machete was used to cut through Hashim Hamama’s heart and ribs, “Upon dying he fell to the ground, recited the Shahada (Islamic testimony of faith) and died, I ran to hold him shouting ‘help help’. My younger brother held his body as his eyes closed forever”, she said. During the interview Sulayha told UJN that she had no one to help as five police officers who had been there when the trouble started had disappeared at the scene. She recalled that the murderers of her father were a father and son are named Hussain and Hadili.



Scar on Omar’s abdomen. He can no longer wear trousers.



Machete scar on Omar’s back

Hearing the calls for help, Sulayha's uncle, Omar, ran to help his brother. The perpetrators told Omar that the Shia had a different direction of prayer (Qibla). Omar had heard his brother saying, "We have the same Qur'an, the same Prophet (PBUH), it is Eid". Nevertheless the attackers stoned Omar as he attempted to help his brother. As a result his stomach ripped open and the attackers slashed his back with a machete. During the interview the UJN asked Omar if he knew his attacker to which he replied, "Yes, I had known Mohammed Shafi from childhood, but he attacked me because I am Shia. I became Shia in 2006."

After meeting with the villagers, the delegation proceeded to meet with local figures Ahmed Fanan, vice-mayor of Sampang, Majelis Ulema (East Java) and Majelis Ulema Indonesia (MUI), Advisor to the president Dr. Albert Hasibuan, the Indonesian Association of Muslim Intellectuals, National Human Rights Commissioner Dr. Hafid Abbas, Aboe Bakr from PKS party, Mizan Publications and the OIC.

Meeting with Vice-Mayor of Sampang, East Java



Meeting with newly elected vice-mayor - Ahmed Fanan

The newly elected vice-mayor, Ahmed Fanan met with the UJN delegation in Sampang, East Java.

The delegation was keen to know Mr. Fanan's opinion on why the Indonesian government had cut off government aid to the people of Sampang. Mr Fanan stated that spending had gone over-budget and the government could no longer afford to support 275 people with basic food, water, medicine and a schoolteacher.

The vice-mayor had been informed that the community of Sampang did not wish to accept the refugees, previously farmers, back into their community. He affirmed that the most credible long-term solution would be to transfer them from the sports centre to another location. However, the delegation expressed concern at the notion and emphasised that relocation was not the solution as it would effectively reward those who had carried out the violence.

More importantly it completely undermines Indonesia's international treaty obligations including the International Covenant on Civil and Political Rights which imposes a duty on Indonesia to ensure that its citizens have the absolute right to free movement within Indonesia as well as the right to reside where they live. Furthermore that right enshrined under Article 12 of the Covenant is one which by virtue of Article 2 must be protected by the state without discrimination on grounds of race, sex, colour, language, religion, political or other opinion. The authorities appear not only to be unaware of their international treaty obligations, but have acted to the contrary. More worryingly rather than tackling the crime of ethnic cleansing as defined by the Statute of the International Criminal Tribunal for Former Yugoslavia, the Indonesian government appears to be aiding and abetting it through the relocation of the villagers. It seems that the Indonesian government has not taken proper legal advice about its potential exposure to charges in the International Criminal Court or other forums for being an accessory to what has been defined as a crime.

Meeting with Majelis Ulema, EJ



Meeting with Majelis Ulema, East Java

The delegation met with the local ulema in Sampang, East Java at the Religious Affairs office to help ascertain the cause of the sectarian conflict and find a long-term solution for community cohesion. Present at the meeting were Mujtahid Hashim from Universalia⁴, Rudy Setiadi, head of local political affairs, and a number of ulema (religious scholars) representing Majelis Ulema, EJ⁵.

Rudy Setiadi told the UJN that since Tajul Muluk and his younger brother, Rois Al-Hukuma, were the architects of their own misfortunes, outside involvement was not necessary to solve this issue. However, the ulema appeared to be using family divisions as an excuse to politically justify the situation rather than accept sectarianism as the source of the problem. Furthermore, Setiadi claimed that any outside intervention was unwanted and unnecessary as this was, “a family dispute, with no issues of the treatment of minorities.”

However, some Majelis Ulema (EJ) members expressed their belief that Tajul Muluk was spreading disbelief and provoking unrest among the Muslims of Sampang.

Among the allegations made by Majelis Ulema (EJ) was that Tajul Muluk had been teaching a false Qur’an to the Shia community. Later when evidence could not be brought forward to support the allegation, the witnesses who made the false Qur’an allegations told judges that Tajul Muluk believed the authentic Qur’an to be with Imam Mahdi (a leader of the Ithna Ashari Shi a who is believed to have gone into occultation in the 10th century and will return before the end of time). However, the two who testified were Rois Al-Hukuma and Umme Kalsum (Tajul’s younger siblings). In Indonesian law immediate family members are not allowed to testify under oath, so the two witnesses did not take an oath when making this allegation.

The delegation raised concerns over the impact of the rise of sectarianism and its impact on Muslim unity. The response of the Majelis Ulema was: “If there is a body, part of which is diseased, the diseased part

should be cut off'. The word 'diseased' was used to describe the Shia sect in the wider Muslim community in Indonesia. The disturbing statement came as a blow to the delegation who were seeking a long-term solution to improving peace, unity and the security of the Sampang refugees. The Ulema also stated that Shi'ism is built upon prayer and not the *shahada* (Islamic declaration of faith). They did not agree that any differences from the majority should be tolerated and felt very strongly that, "the Shia must become Sunni and do *tawbah* (repent); they are only brothers in Islam under the condition that they repent and become Sunni'. The Ulema told the UJN delegation that as Sunnis do not permit prostitution they could not tolerate the Shia notion of temporary marriage (*mut'ah*)."

This attitude was disturbing in view of the fact that the Majlis Ulema were supposed to be a source of guidance for the local community. Yet they appear to be promoting inquisitorial behaviour, and the forcible imposition of religious and sectarian beliefs on others under pain of death. No one, either at local or national government level, let alone the Majlis Ulema (who are clearly oblivious to Indonesia's international treaty obligations), seems to have given much thought about the villagers' right under Article 18 of the Covenant on Civil and Political Rights to freedom of thought, conscience and religion, and to manifest those publicly in worship, observance, and teaching, without any coercion from any state or non state actor.

The UJN delegation clarified their position: they did not visit Indonesia to discuss and debate theological matters but rather to explore why sectarianism had arisen in Indonesia and caused the humanitarian crisis in Sampang, and find some ways forward. The Majlis Ulema told UJN that they had reached an agreement with Tajul Muluk: he was not to teach because this led to an increase in the number of his followers.

Meeting with Majelis Ulama Indonesia (MUI)



Meeting with Majelis Ulama, Indonesia

The delegation also met with Majelis Ulama (MUI) at their office in East Java. MUI members explained that the non-governmental organisation consists of 100 members and also acts as the main vehicle through which the Indonesian government seeks information about the country's Muslims. Firstly, the MUI told the delegation that Indonesia is a predominantly Sunni country; the Ulama explained that there is a 'Law of Blasphemy' in place to protect the dominant group's beliefs and any minority beliefs would be dealt with legally. Secondly, the MUI and the government have discussed the notion of the refugees returning to Sampang and believe that if they return, conflict will re-occur. Members of the MUI at the meeting said, "The teachings of the Shia are not suitable in Indonesia; they can go to other countries except Indonesia."

Meeting with Dr. Albert Hasibuan, Advisor to the President

Dr. Albert Hasibuan, advisor to the President, met with the delegation to discuss three key issues; the case of the Sampang refugees, the promotion and support of NGOs and the plight of domestic workers. During the discussion the key point Dr. Albert raised was the need to educate the Indonesian people on the notion of human rights, with intolerance currently being a major problem. Osama Daneshyar, International Human Rights Barrister and member of the UJN delegation, pointed out that “criminality is separate from intolerance”. The UJN stressed the importance and urgency for the Indonesian government to give aid to its own citizens as this would eliminate the need for any foreign intervention from other concerned NGOs and re-establish Indonesia’s image as a tolerant society. Imam Asi emphasised that “justice delayed is justice denied.”



Dr. Albert Hasibuan, HR advisor to the President of Indonesia, meeting with the UJN delegation.

Meeting at the Islamic Institute, Surabaya

The Islamic Institute⁶, Surabaya, East Java, gave the delegation an insight into the increase in attacks against various groups including Christians whose places of worship had been attacked. The heterodox Ahmadiyya community was also attacked whilst worshipping in their mosque in August 2011 in Makassar, South Sulawesi. As a result the community was left with little choice but to move to another island in Indonesia leaving behind their homes and livelihood. These past examples demonstrate that a pattern of continuous violent behaviour is established where the perpetrators are not brought to justice.

Three Ahmadis were killed by a mob in an attack on the Ahmadi community in February 2011.

A second attack, this time by the Islamic Defender's Front (FPI) on some 10 Ahmadiyya in their place of worship in August 2011 left at least one worshipper seriously injured.

A Christian worshipper was stabbed in the stomach and a minister attacked with a wooden plank as they travelled to morning prayers just outside Jakarta in September 2012.



Meeting at the Islamic Institute, Surabaya

The Islamic Institute, Surabaya, gave an insight into the increase in attacks against various minority faith groups including Christians whose places of worship were attacked as well as the Ahmaddiya community who were attacked for their beliefs and were consequently forced to relocate to another island in Indonesia. These examples demonstrate a pattern of violent behaviour which preceded the Sampang incident. Had the Government taken action earlier, it may have deterred those responsible for the Sampang incident from carrying out their crimes.

Meeting with the Indonesian Association of Muslim Intellectuals

During a meeting with the Indonesian Association of Muslim Intellectuals⁷ Dr. Amany Lubis, vice-secretary general of Majelis Ulama told the delegation that there were a number of misunderstandings between Sunni and Shia groups and that there also existed disputes between the members of Tajul Muluk's family. The delegation was told that Indonesia's government practises 'soft power' and this was the main reason it had not taken drastic measures to combat sectarianism.

Imam Asi stressed the importance of inter sect and inter faith dialogue and said that the violations of human rights that have taken place must not be ignored. Barrister Osama Daneshyar said: "If crime is cloaked by religious motives, people will turn a blind eye and mob violence will grow and re-occur."

In explaining why disagreements had taken such a violent turn Dr. Hadimulyo said it was part of the nature of Madhura to resolve conflicts by the sword, and the 'law of the jungle' comes into play in the absence of effective police protection.



Dr. Hadimulyo (in green above) and Dr. Amany Lubis (far left)

Seminar on Islamic Human Rights, Jakarta, Indonesia



Imam Asi and Massoud Shadjareh speaking at the seminar on human rights

The event was attended by two members of the UJN delegation, Imam Asi and Massoud Shadjareh as well as an Indonesian NGO. It discussed human rights in Indonesia and invited the panellists - Dr. Arifa Hasan from Universitas Paramedina⁸, a representative from the Muhammadiyah group, Indonesia, and the chair Dr. Amelia Naim - to give a brief overview of their work in the field, the current areas of discussion on human rights, and the need for civil society to be more proactive in to the struggle to secure human rights in Indonesia.

Meeting with Hizb ut Tahrir, Indonesia



Meeting with Hizb ut Tahrir's spokesman – Mr. Hariri

Mr Hariri, the spokesman for Hizb ut Tahrir⁹ informed the delegation that the party had released statements prior to meeting with the UJN delegation condemning the violence against both Shia and Ahmeddiyya communities. Hizbut Tahrir believed that sectarianism is rising within Indonesia because of the government's unclear position on the matter. An additional factor is that some politicians in Indonesia have a vested political/economic interest in encouraging conflict.

Meeting with National Human Rights Commission



Meeting with Dr. Hafid Abbas and Roichatul Aswidah

The National Commissioner for Human Rights in Jakarta, Dr. Hafid Abbas, and Roichatul Aswidah, Head of Research and Development for that office, stated that in December 2012 her research team met the Governor of East Java and the parties involved in the conflict, including Majelis Ulama (EJ). The delegation reaffirmed that Indonesia is a signatory of the International Criminal Court; therefore responsibility falls upon the country to ensure it fulfils international treaty obligations, particularly in relation to its citizens in Sampang.

Please see ICC responsibilities under Appendix B¹⁰.

Indonesia is also a signatory of the Amman Declaration and has accepted that people subscribing to the Ja'fari Shia school of thought are Muslims. Roichatul Aswidah said she believed that sectarian strife is a foreign notion to Indonesia's diverse population, which should lead us to question where the root of the problem lies.

Both Dr Abbas and Roichatul Aswidah seemed to ignore Indonesia's obligations under international law, both in terms of the International Covenant on Civil and Political rights, which is part of Indonesian Law, and more importantly Indonesia's potential liability under the Rome Statute of the International Criminal Court even though it is not a party to that convention, in the same way that Sudan's non-party status was no bar to the indictment of its president.

A global pattern is emerging across many Muslim countries, raising suspicions about the possibility of an external hand in internal conflicts which result in Sunni/Shia tensions. Examples such as that of Pakistan and Bahrain are but a few from an emerging trend that has forced itself onto Muslim countries. Indonesia was previously seen as a tolerant nation and would appear to be an unlikely target for malign foreign influences.

Meeting with Indonesia's PKS party



Meeting at the Parliament in Jakarta with MP Aboe Bakr Al-Habshy and Dr. Hidayat Nurwahid

The delegation met with the opposition party Partai Keadilan Sejahtera (The Prosperous Justice Party - PKS). One of the party members, MP Aboe Bakr Al-Habshy, was also a member of the Police Committee. He told the delegation he would contact the Chairman of Police in Indonesia to co-ordinate with local officials to set up short-term targets to restore aid to the Sampang refugees, as well as to combat sectarianism. Both UJN and PKS put short-term conflict resolution at the centre of the conversation. The UJN emphasised the importance of local policing and the efficient functioning of a fair and just judiciary for society to operate independently without the risk of foreign interference.

Meeting with Mizan Publications



Mizan publications- Meeting with Haider Baghir and Abdillah Toha (adviser to the President on Security)

The delegation had a meeting with Mizan Publications¹¹ in Jakarta. It is the second largest publishing house in Indonesia, and many of its senior personnel and affiliated authors and filmmakers are well-known academics, intellectuals and activists. The purpose of the meeting was to gauge the opinions of non-state actors regarding the situation. The CEO of Mizan Publications Haider Baghir headed the meeting. Abdillah Toha, adviser to the Vice- President of Indonesia on security, also agreed to meet the delegation there.

The UJN discussed the plight of the Sampang victims of sectarian violence with Abdillah Toha, who was of the opinion that sectarianism may have its origins in politicians believing that the majority is in favour of these actions. It may also have been fanned by the complacency of the regional government.

Meeting with lawyers and academics attempting to bring a constitutional challenge to the Law of Blasphemy



Dr. Siti Ruhaini (far left) from the Organisation of Islamic Cooperation (OIC) and Omar Shahab from Ahlulbayt Indonesia

Present at this meeting were various academics and lawyers including Dr Siti Ruhaini, Commissioner for Human Rights at the Organisation of Islamic Cooperation (OIC). According to her there is a great need for the OIC to adopt policies to fight sectarianism and promote solidarity among members of the Ummah as an important part of its current agenda. The meeting was held at the office of Ahlulbayt Indonesia (ABI). Dr. Ruhaini and Omar Shahab from ABI discussed and shared information regarding the Sampang case. There was a strong consensus that such violence should not be permitted as Indonesia is a signatory of the Amman Message and Indonesia's tolerant image would be damaged in the international arena if it failed to tackle the ideology of *Takfir* (*excommunication*). The way in which Indonesian local government operates places police and judges too close to politics; often they have overlapping interests that take precedence over the interests of their constituents.

Additional issue discussed by the delegation Strengthening NGO Networks



Meeting with the Indonesian government advisor on Human Rights - Albert Hasibuan

Strengthening NGOs and their networks was also a central point of discussion for the delegation. Whilst in Indonesia, the UJN discussed promoting the growth of national NGOs to allow them to operate on an international platform at the United Nations.

Universal Justice Network offered its expertise and services in this area to HR advisor Albert Hasibuan. As the UJN was created to unite and bring NGOs to an international platform the collaboration of a number of governments would enable the Indonesian Government to be part of a force that unites in strengthening its civil society.

Problems for Indonesian migrant workers

For those Indonesian citizens who venture to places such as the United Arab Emirates, working abroad promises better pay and potentially improved employment opportunities. The UJN proposed putting in place legislation to secure and protect Indonesian migrant workers' rights. It is not uncommon for bosses of migrant workers in the UAE to seize their passports until the expenses incurred in bringing the migrants into the country have been recovered, something which puts at risk the lives and freedom of many Indonesian citizens.

Through expanding the influence and power of NGOs at an international level, NGOs and civil society as a whole could more effectively campaign for the better treatment of migrant workers and act as a point of contact for citizens. The UJN has requested data from the Indonesian government to enable it to understand the extent of the plight of migrant workers abroad. International human rights barrister, Osama Daneshyar, insisted that steps should be put in place to ensure passports are not held by bosses or agents dealing with the workers. Other practical steps should be put in place to protect workers. Although further research is needed the UJN and presidential advisor, Albert Hasibuan, agreed that by bringing on board a group of governments, the issue could be raised at the UN.

Outcomes of the visit

Following the UJN delegation's visit to Indonesia, the local government reinstated food and drink to the Sampang refugees. Authorities were providing food every two days allowing the refugees and volunteers to cook their own meals. However this assistance came to an abrupt end on 1st May 2013 when the government cut off food and water to the IDPs for a second time.

Nahdlatul Ulama leader Rois Al-Hukama, Tajul Muluk's brother, was acquitted in April for his alleged involvement in the anti-Shia rampage. After his release from detention there was a rally in East Java with demonstrators demanding the government relocate the Shia out of Sampang. Other rallies against the return of the Shia to their village have also taken place.

In May this year the local Sampang administration took the decision to relocate the Shia citizens to Sidoarjo, East Java, a city extremely different in its culture to Madhura. In July President Susilo Bambang Yudhoyono endorsed the decision by the East Java administration. The 235 displaced Shia from 69 families are now temporarily housed in a modest apartment building in Sidoarjo, East Java. In June 2013, 10 of their number cycled to Jakarta to meet with the Indonesian president. Apparently backtracking on his decision to endorse their relocation President Yudhoyono promised the Shia villagers they would be enabled to return to their homes by the end of July in time for the Eid al-Fitr festival. So far this pledge has not been fulfilled.

These disturbing developments came after glimmers of hope had emerged following the UJN visit. After the UJN's departure, Albert Hasibuan visited Sampang where he held a meeting with the relevant parties and told them he had delivered a report to the President highlighting the issues raised in the meeting.

The Ministry of Law and National Human Rights Commission also invited five ministries to discuss how

to solve the issues arising out of the Sampang crisis. One of the steps that had been agreed was to hold a forum between Sunni and Shia ulema in Madhura, East Java.

Following the UJN delegation's visit, local UJN members in Indonesia met with the National Human Rights Commission (known in Indonesia as Komnas HAM). Komnas HAM continues to try to persuade the Sunni villagers of Sampang to accept the dislocated Shia back into their homes. Komnas HAM commissioner Imdadun Rahmat, who is in charge of an investigation team into the aftermath of the August 26 rampage in Sampang, told the Jakarta Post in May:

“No one should be forced to leave their land of origin. We will send a reprimand to the local administrations to demand that it provide equal protection to people regardless of their differences in religious interpretation.”

Currently, Universalis lawyers in Indonesia are still running a judicial review of the blasphemy law under which Tajul Muluk was convicted in the constitutional court. Previously, the Supreme Court upheld the verdict of the High Court of East Java. Universalis is currently preparing new evidence to start another review.

Conclusion

What has occurred in Sampang has caused an internal refugee problem in which the displaced have been left to wait for their own government to protect them. The events are uncharacteristic of Indonesia's tolerant society and raise the question of what caused a small segment of society to inflict such wanton violence on its neighbours. The death and destruction has caused international concern regarding the socio-political direction in which Indonesia is moving.

The Sampang violence occurred against a backdrop of growing sectarian violence in the Muslim world, in particular in Syria, Iraq and Pakistan.

When Indonesia signed the Amman declaration, it made an agreement to recognise the validity of all 8 *Madhahib* (Islamic legal schools) of *Sunni*, *Shi'a* and *Ibadi* Islam; of traditional Islamic Theology (*Ash'arism*); of Islamic Mysticism (Sufism), and of true *Salafi* thought, and came to a precise definition of who is a Muslim. As an international signatory, Indonesia has a responsibility to protect its citizens and fulfil its duty to return the displaced persons from Sampang - with full protection - back to their villages.

By not returning the refugees to their villages, the government is rewarding the attackers, and sending the message that this kind of sectarian violence is acceptable. Thus, relocation is ineffective and does not provide a solution to the problem.

Recommendations

The UJN offers its recommendations below for the Indonesian government to implement;

- Allowing the residents of Sampang to return back to their homes
- Ensure educational provision for the children amongst the IDPs
- Having better communication with the local and national media in Indonesia,
- Pressuring the army to protect the Sampang refugees – and others who find themselves in similar situations - and assisting them to return to their homes. This was already proposed by the army but not implemented because of lack of cooperation from the local police. Justice should be delivered to the perpetrators through the judicial system to give back control to the police and government.
- Collaborate with schools to promote education through multi-faith education lessons and diversity training.
- Implement training for the police to deal more effectively with mob incidents. In addition, the head of police should not come from the same region
- Define and implement the Blasphemy Law to avoid miscarriages of justice

Ensure that the Majelis Ulema and Ulema Council are not influenced by sectarian and divisive policies from foreign sources.

Recommendations for the Organisation of Islamic Cooperation

- The OIC should adopt fighting sectarianism and promoting solidarity among members of the Ummah as an important part of its current agenda
- Ensuring that the Islamic Human Rights Commission of OIC protects and promotes the rights of all Muslims.

Appendix A



مجلس العلماء والفقهاء في إندونيسيا

DEWAN PIMPINAN

MAJELIS ULAMA INDONESIA (MUI) PROPINSI JAWA TIMUR

Sekretariat : Jl. Darmahusada Selatan No. 3 Surabaya 60281 Telp. (031) 8228118 Fax. (031) 8228119 e-mail : majlis@uihpos.co.id

KEPUTUSAN FATWA
MAJELIS ULAMA INDONESIA
(MUI) PROP. JAWA TIMUR
No. Kep-01/SKF-MUI/JTM/1/2012

Tentang :
TENTANG KESESATAN AJARAN SYI'AH

بِسْمِ الرَّحْمَنِ الرَّحِيمِ

Majelis Ulama Indonesia Propinsi Jawa Timur pada sidang hari Sabtu, Tanggal 21 Januari 2012

Membaca:

1. Surat Dewan Pimpinan MUI Kabupaten Bangkolan No. 26/26-XV/DP-MUI/BKL/XII/2011 tertanggal 17 Desember 2011 tentang Permohonan Ketetapan Aliran Syi'ah
2. Surat Dewan Pimpinan MUI Kabupaten Sampang No.A-034/MUI/Spp/XII/2011 tertanggal 30 Desember 2011 tentang Laporan Peristiwa di Desa Karang Gayam
3. Surat Keputusan Rapat Koordinasi MUI Kabupaten/Kota Se Koordinatoriat Wilayah (Korwil) Surabaya No. 01/Korwil/Sby/I/2012 tertanggal 12 Januari 2012 tentang Aliran Syi'ah yang isinya meminta kepada MUI Provinsi Jawa Timur untuk melakukan kajian dan penetapan fatwa Syi'ah
4. Surat Keputusan Rapat Koordinasi MUI Kabupaten/Kota Se Koordinatoriat Wilayah (Korwil) Besuki No. 01/MUI/Besuki/I/2012 tertanggal 13 Januari 2012 tentang Aliran Syi'ah yang isinya meminta kepada MUI Provinsi Jawa Timur untuk melakukan kajian dan penetapan fatwa Syi'ah
5. Rekomendasi Hasil Musyawarah Badan Shilaturrahmi Ulama Pesantren Madura (BASSRA) Selesa, 03 Januari 2012 yang salah satu isinya meminta agar MUI Provinsi Jawa Timur mengeluarkan fatwa tentang ajaran Syi'ah
6. Surat dari Jam'iyah Ahlul Sunnah wal Jama'ah Bangli Pesantren No. 025/ASWAJA/I/2012 tertanggal 10 Januari 2012 tentang Permohonan Fatwa Sesat Ajaran Syi'ah
7. Surat Dewan Pimpinan MUI Kabupaten Gresik No. 003/MUI/KAB.G/I/2012 tertanggal 19 Januari 2012 tentang Laporan Keberadaan Syi'ah di Gresik
8. Pernyataan Sikap Gerakan Umat Islam Bersatu (GUIB) Jatim tanggal 17 Januari 2012 menyikapi kasus Sampang dan ajaran Tajul Muluk
9. Pernyataan Sikap 83 ulama Pondok Pesantren menyikapi aliran yang dibawa oleh saudara Tajul Muluk tanggal 10 Januari 2012.

c. Pendapat Ibnu Hazm

فإن الروافض ليسوا من المسلمين إنما هي فرقة حدث أولها بعد موت النبي صلى الله عليه وسلم بخمس وعشرين سنة وكان مبدؤها إجابة من خذله الله تعالى لدعوة من كاد الإسلام وهي طائفة تجرى بحرى اليهود والنصارى في الكذب والكفر

Sesungguhnya rofidhoh bukanlah dari kalangan kaum muslimin, kelompok ini mula-mula muncul 25 tahun setelah Nabi -shallallahu 'alaihi wa sallam - wafat. Dari asalnya bermula dari mengikuti dakwah seorang yang Allah hinakan yang hendak memerangi Islam kelompok ini berjalan di atas jalannya orang-orang Yahudi dan Nasrani dalam kedustaan dan kekufuran. (Al-Fishol fil-milal 2/213)

d. Pendapat KH Hasyim Asyari (Iktis Akbar PBNU)

وَاصْدَعْ بِمَا لَوْمَرُ لِتَتَمَعَّعَ الْبِدْعَ عَنْ أَهْلِ الْقَدْرِ وَالْمُتَحَرِّ. قال رسول الله صلى الله عليه وسلم "إِذَا ظَهَرَتِ الْبِدْعُ وَأُولِيهَا وَسُئِ اسْتَحَابِي فَلْيُظْهِرِ الْعَالَمَ عِلْمَهُ فَمَنْ لَمْ يَفْعَلْ ذَلِكَ فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ

Sampaikan secara terang-terangan apa yang diperintahkan Allah kepadamu, agar bid'ah-bid'ah terberantas dari semua orang. Rasulullah SAW bersabda: "Apabila fitnah-fitnah dan bid'ah-bid'ah muncul dan sahabat-sahabatku di sisi maki, maka" hendaklah orang-orang alim menampilkan ilmunya. Barang siapa tidak berbuat begitu, maka dia akan terkena laknat Allah, laknat Malaikat dan semua orang." (Muqadimah Qanun Asasi Nahdlatul Ulama)

MEMUTUSKAN

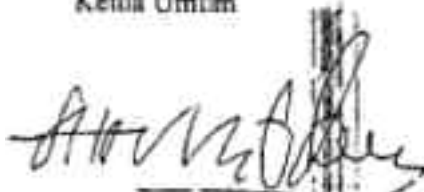
1. Mengukuhkan dan menetapkan keputusan MUI-MUI daerah yang menyatakan bahwa ajaran Syi'ah (khususnya Imamiyah Itna Asyariyah atau yang menggunakan nama samaran Madzhab Ahlul Bait dan semisalnya) serta ajaran-ajaran yang mempunyai kesamaan dengan faham Syi'ah Imamiyah Itna Asyariyah adalah SESAT DAN MENYESATKAN.
2. Menyatakan bahwa penggunaan istilah Ahlul Bait untuk pengikut Syi'ah adalah bentuk pembajakan kepada ahlul bait Rasulullah Saw.
3. Merekomendasikan:
 - a. Kepada Umat Islam diminta untuk waspada agar tidak mudah terpengaruh dengan faham dan ajaran Syi'ah (khususnya Imamiyah Itna Asyariyah atau yang menggunakan nama samaran Madzhab Ahlul Bait dan semisalnya)

- b. Kepada Umat Islam diminta untuk tidak mudah terprovokasi melakukan tindakan kekerasan (anarkisme), karena hal tersebut tidak dibenarkan dalam Islam serta bertolak belakang dengan upaya membina suasana kondusif untuk kelancaran dakwah Islam
- c. Kepada Pemerintah baik Pusat maupun Daerah dimohon agar tidak memberikan peluang penyebaran paham Syi'ah di Indonesia, karena penyebaran paham Syi'ah di Indonesia yang penduduknya berfaham ahlu al-sunnah wa al-jama'ah sangat berpeluang menimbulkan ketidakstabilan yang dapat mengancam keutuhan NKRI
- d. Kepada Pemerintah baik Pusat maupun Daerah dimohon agar melakukan tindakan-tindakan sesuai dengan peraturan perundangan yang berlaku antara lain membekukan/melarang aktivitas Syi'ah beserta lembaga-lembaga yang terkait.
- e. Kepada Pemerintah baik Pusat maupun Daerah dimohon agar bertindak tegas dalam menangani konflik yang terjadi, tidak hanya pada kejadiannya saja, tetapi juga faktor yang menjadi penyulut terjadinya konflik, karena penyulut konflik adalah provokator yang melakukan teror dan kekerasan mental sehingga harus ada penanganan secara komprehensif.
- f. Kepada Pemerintah baik Pusat maupun Daerah dimohon agar bertindak tegas dalam menangani aliran menyimpang karena hal ini bukan termasuk kebebasan beragama tetapi penodaan agama.
- g. Kepada Dewan Pimpinan MUI Pusat dimohon agar mengukuhkan fatwa tentang kesesatan Paham Syi'ah (khususnya Imamiyah Ithna Asyariyah atau yang menggunakan nama samaran Madzhab Ahlul Bait dan semisalnya) serta ajaran-ajaran yang mempunyai kesamaan dengan paham Syi'ah sebagai fatwa yang berlaku secara nasional.

Surabaya 27 Shofar 1433 H
21 Januari 2012 M

**DEWAN PIMPINAN
MAJELIS ULAMA INDONESIA (MUI)
PROPINSI JAWA TIMUR**

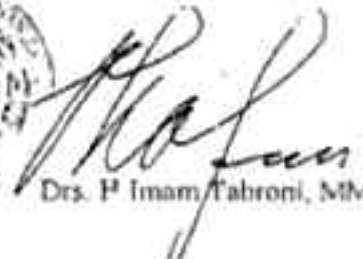
Ketua Umum



H. Abdusshomad Buchori



Sekretaris Umum



Drs. H. Imam Tabroni, MM

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

PERNYATAAN BERSAMA

MAJELIS ULAMA INDONESIA (MUI) SE-MADURA
 BADAN SHILATURRAHMI ULAMA' PESANTREN MADURA (BASSRA)
 PC NAHDLATUL ULAMA' (NU) SE-MADURA
 PD MUHAMMADIYAH SE-MADURA

السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

Pada hari senin tanggal 12 November 2012 bertempat di kediaman H. Moh Sjeib (sekretaris MUI Sampang) telah dilaksanakan rapat koordinasi antara MUI, BASSRA, NU dan Muhammadiyah se-Madura, tentang :

Penguatan putusan Pengadilan Tinggi Negeri Jawa Timur Nomor Reg: 481/PID/2012/PT Surabaya, atas nama terdakwa Tajul Muluk als Ali Murtadha, tanggal 31 Oktober 2012.

Dengan ini MUI, BASSRA, NU dan Muhammadiyah se-Madura menyatakan:

1. Putusan tersebut telah sesuai dengan undang-undang yang berlaku di Negara Indonesia dan mendapat dukungan dari semua elemen masyarakat di Sampang dan Jawa Timur.
2. Ajaran Tajul Muluk sangat provokatif dan meresahkan masyarakat.
3. Demi kondusifitas dan stabilitas keamanan di Kabupaten Sampang pada khususnya dan di Jawa Timur pada umumnya.

Dan selanjutnya kami memohon kepada Ketua Mahkamah Agung RI agar menguatkan putusan Pengadilan Tinggi Negeri Jawa Timur tersebut.

Demikian surat pernyataan bersama ini dibuat, dan atas kerjasamanya disampaikan terima kasih.

وَالسَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ

| | | |
|--|---|--|
| <p>MUI SAMPANG</p>  <p>KH. BUCHORI MA'SHUM</p> | <p>PC NU SAMPANG</p>  <p>KH. MUHAMMIN ABD. BARI</p> | <p>Sampang, 12 November 2012 M.</p>  <p>BASSRA SAMPANG</p>  <p>KH. SYAFT'UDDIN WAHID</p> |
| <p>MUI PAMEKASAN</p>  <p>KH. AU RAHBINI</p> | <p>PC NU PAMEKASAN</p>  <p>KH. ABD. GHOFFAR</p> | <p>BASSRA PAMEKASAN</p>  <p>KH. NA'LURRAHMAN LG.</p> |
| <p>MUI SUMENEP</p>  <p>KH. MOCH. DJUFRI ZAWAWI, S. Ag</p> | <p>PC NU SUMENEP</p>  <p>KH. TAUFURRAHMAN FM.</p> | <p>BASSRA SUMENEP</p>  <p>KH. ACH. FAUZI TIDJANI</p> |
| <p>MUI BANGKALAN</p>  <p>KH. SYAFI'UDDIN AMAN HURI</p> | <p>PC NU BANGKALAN</p>  <p>KH. MAKKI NASHIR, S. Ag</p> | <p>BASSRA BANGKALAN</p>  <p>KH. DR. NURRODDIN RAHMAN, SH</p> |

Joint Statement

Islamic Scholars Council of Indonesia (MUI) of Madura

Islamic Scholars Friendship Body of Madura Pesantren (BASSRA)

PC Nahdatul Ulama (NU) of Madura

MUI, BASSRA, NU and Muhammadiyah of Madura hereby state:

1. The following decision is according to Indonesian law and has the support of the people of Sampang and East Jawa.
2. Tajul Muluk's teaching is provocative and creates anxiety among the people
3. It is for peace and stability particularly in Sampang and generally in East Jawa

Further, we appeal to the head of the Supreme Court of the Republic of Indonesia to enforce the decision of the East Jawa High Court.

Fatwa on the teaching of Tajul Muluk in Desa Karang Gayam, Mukim Omben, Sampang District:

1. Teaching spread by Tajul Muluk is DEVIANT and MISLEADING
2. Teaching spread by Tajul Muluk constitutes an insult to, and violation of, Islam.
3. Those who spread this teaching must be brought to justice according to the existing regulations and laws.

=====

**Fatwa of Islamic Scholars Council of Indonesia (MUI) of East Java Province
on the Deviation of Shi'ah Teaching**

Decides:

1. To uphold firmly the decision of the district MUI that states that Shi'ah teaching (especially Imamah Itsna Ashariah or that uses the camouflaged name of Ahlul Bait Mazhab and similar ones) as well as teachings that have similarities with the theology of Syi'ah Imamah Itsna Ashariyah are DEVIANT and MISLEADING.
2. States that the use of the term Ahlul Bait for the Shi'ah followers is a form of imitation of the ahlul bait of Rasulullah saw.
3. Suggests to:
 - a. Muslims to be alert so that they are not easily influenced by the theology and teaching of Sh'ah (especially Imamah Itsna Ashariah or that uses the camouflaged name of Ahlul Bait Mazhab and similar ones)
 - b. Muslims not to be easily provoked into violent acts (anarchism) because it is not permitted in Islam as well as it is opposed to building a conducive environment for launching Islamic propagation.
 - c. the Central and District authorities not to provide opportunities for the dissemination of Shi'ah theology in Indonesia where the majority belong to ahlu al-sunnah wa al- jamaah because it has the potential to create instability that can threaten the unity of Indonesia.
 - d. the Central and District authorities to take appropriate action according to law such as freeze/prohibit Shi'ah activities and the boards associated with them
 - e. the Central and District authorities to take firm action in handling not only the conflicts but also their causes because those who provoke conflicts are those who cause mental terrorism and violence; a comprehensive approach is needed.
 - f. the Central and District authorities must act firmly against deviant teachings because they do not come under freedom of religion but violation of religion.
 - g. the Central MUI Leadership Assembly should apply as a national fatwa the fatwa on the deviation of Shi'ah theology (especially Imamah Itsna Ashariah or that uses the camouflaged name of Ahlul Bait Mazhab and similar ones) as well as teachings that have similarities with the Syi'ah theology

Appendix B



[as corrected by the procès-verbaux of 10 November 1998 and 12 July 1999]

PART 11. ASSEMBLY OF STATES PARTIES

Article 112

Assembly of States Parties

1. An Assembly of States Parties to this Statute is hereby established. Each State Party shall have one representative in the Assembly who may be accompanied by alternates and advisers. Other States which have signed this Statute or the Final Act may be observers in the Assembly.
2. The Assembly shall:
 - (a) Consider and adopt, as appropriate, recommendations of the Preparatory Commission;
 - (b) Provide management oversight to the Presidency, the Prosecutor and the Registrar regarding the administration of the Court;
 - (c) Consider the reports and activities of the Bureau established under paragraph 3 and take appropriate action in regard thereto;
 - (d) Consider and decide the budget for the Court;
 - (e) Decide whether to alter, in accordance with article 36, the number of judges;
 - (f) Consider pursuant to article 87, paragraphs 5 and 7, any question relating to non-cooperation;
 - (g) Perform any other function consistent with this Statute or the Rules of Procedure and Evidence.
3.
 - (a) The Assembly shall have a Bureau consisting of a President, two Vice-Presidents and 18 members elected by the Assembly for three-year terms.
 - (b) The Bureau shall have a representative character, taking into account, in particular, equitable geographical distribution and the adequate representation of the principal legal systems of the world.

(c) The Bureau shall meet as often as necessary, but at least once a year. It shall assist the Assembly in the discharge of its responsibilities.

4. The Assembly may establish such subsidiary bodies as may be necessary, including an independent oversight mechanism for inspection, evaluation and investigation of the Court, in order to enhance its efficiency and economy.

5. The President of the Court, the Prosecutor and the Registrar or their representatives may participate, as appropriate, in meetings of the Assembly and of the Bureau.

6. The Assembly shall meet at the seat of the Court or at the Headquarters of the United Nations once a year and, when circumstances so require, hold special sessions. Except as otherwise specified in this Statute, special sessions shall be convened by the Bureau on its own initiative or at the request of one third of the States Parties.

7. Each State Party shall have one vote. Every effort shall be made to reach decisions by consensus in the Assembly and in the Bureau. If consensus cannot be reached, except as otherwise provided in the Statute:

(a) Decisions on matters of substance must be approved by a two-thirds majority of those present and voting provided that an absolute majority of States Parties constitutes the quorum for voting;

(b) Decisions on matters of procedure shall be taken by a simple majority of States Parties present and voting.

8. A State Party which is in arrears in the payment of its financial contributions towards the costs of the Court shall have no vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Assembly may, nevertheless, permit such a State Party to vote in the Assembly and in the Bureau if it is satisfied that the failure to pay is due to conditions beyond the control of the State Party.

9. The Assembly shall adopt its own rules of procedure.

10. The official and working languages of the Assembly shall be those of the General Assembly of the United Nations.

Endnotes

¹ The Jafari fiqh was recognised as one of eight legal schools of thought into the Amaan message declared in the ‘Three Points of the Amman Message’.

² Majelis Ulema East Java is the local group of Sunni Ulema (scholars) residing in East Java, Indonesia. They make decisions regarding East Java’s Muslim affairs and attend regular meetings to discuss such matters.

³ University of Surabaya is located in Surabaya, East Java.

⁴ *Universalialia* is an Indonesia based legal aid Institute.

⁵ Majelis Ulema (East Java) are the Ulema at a local level in Sampang.

⁶ The Islamic Institute is based in Surabaya, East Java. It is a university that specialises in teaching about Islam.

⁷ The **Indonesian Association of Muslim Intellectuals (ICMI)** is a Muslim organisation founded in 1990 by Indonesian Secretary of Research and Technology B. J. Habibie. The organisation is committed to fighting against poverty and improving education in Indonesia.

⁸ Paramadina University, Jakarta, was established on January 10, 1998, by the late Professor. Dr. Nurcholish Madjid

⁹ *Hizb ut Tahrir* is a global Islamic political party working for the re-establishment of the Caliphate in the Muslim world through peaceful means.

¹⁰ <http://untreaty.un.org/cod/icc/statute/rome fra.htm>

¹¹ Mizan Publications is the leading publisher in Indonesia.

In early 2013 a Universal Justice Network delegation visited Indonesia to ascertain the validity of claims that internecine sectarian violence had reared its head in what had hitherto been a country where different sects of Islam had lived together peacefully. This is the report of that mission which outlines the team's findings and recommendations. It makes shocking reading and its recommendations are impactful not just for Indonesia but beyond.

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