

JOINT STATEMENT

International Civil Society Organizations for Fatia-Haris Solidarity

Condemnation on the Criminalization Against Human Rights Defenders in Indonesia

The International Civil Society Organization would like to express our concern as well as condemning to the spillover of the escalating defamation case of Indonesia's Coordinating Minister for Maritime Affairs and Investment, Luhut Binsar Panjaitan, which targeted human rights defenders in Indonesia, Fatia Maulidiyanti and Haris Azhar. This defamation case does not deserve to be tried. The work of human rights defenders done by Haris-Fatia should be protected and respected by the public officials because it will lead the matter to criticism, instead of criminalization through flawed laws.

Glancing back on 20th August 2021, Haris released a video in his Youtube Channel to reveal mining exploitation in Blok Wabu, Intan Jaya Regency, Papua. It also mentioned some of the involvement of business in mining industries by public officials and high rank military in Papua according to the report made by 9 prominent organizations in Indonesia, including KontraS. The video was released as the publication of the report collaborating with Haris as the host of the talk show. This then led Fatia and Haris received subpoenas on the 26th August 2021 and forcefully summoned to the Greater Jakarta Metropolitan Regional Police (Polda Metro Jaya) on the 18th January 2022.

We would like to stress that as public officials, such **criticism** and eye-opening information should not be **repressively turned against human rights defenders**. Rather, the government should recognize that two of these human rights defenders shall be protected as mentioned in Article 28E paragraph (2) and Article 28F of the Indonesian Constitution, the Decree of the People's Consultative Assembly (TAP MPR) No.XVII/MPR/1998 regarding Human Rights, Article 19 paragraph (1) and (2) of the International Covenant on Civil and Political Rights, and Article 23 paragraph (2) of the Law Law Number 39 of 1999 Concerning Human Rights. Highlighting the ITE Law will only mean hampering the freedom of speech and expression to all human rights defenders.

One urgent matter to underline is the Special Criminal Investigation Directorate investigator of Polda Metro Jaya has finalized the investigation and filing (Known as P21) and will **lead to Fatia and Haris' trial soon**.

In the international scale, the Human Rights Defender is a subject to be protected in the international human rights law because they are the main actors in protecting and fulfilling human rights. So the state's obligation to protect human rights is in line with the protection of human rights defenders. At the Universal Periodic Review 4th cycle session, 12 countries such as the Netherlands, Uruguay, and Switzerland have recommended the Indonesian government investigate quickly, accurately, transparently, effectively, and impartially various forms of attacks, threats, and intimidation against human rights defenders.

By this, we recommend the government of Indonesia:

- 1) We urge the Government of Indonesia to stop attacking human rights defenders in order to guarantee space for freedom of expression/opinion in Indonesia
- 2) For Indonesia's Coordinating Minister for Maritime Affairs and Investment, Luhut Binsar Panjaitan, to drop charges to Fatia Maulidiyanti - Haris Azhar, and prove its involvement to the public regarding his allegations.
- 3) Recognize that Fatia - Haris's statement in the content case is freedom of space and should not be criminalized.
- 4) To the Public Prosecutor Office to drop the charges for Fatia Maulidiyanti - Haris Azhar.
- 5) To National Commission on Human Rights to conduct hearings to the Public Prosecutor Office and push the human rights defender status as well as Anti-SLAPP regulation to the government.

Sincerely,
The International Civil Society Organization.

Signatories

Advocacy Forum
Asia Alliance Against Torture
Asian Forum for Human Rights and Development (FORUM-ASIA)
Asia Justice and Rights (AJAR)
Canadian Civil Liberties Association
Centro de Estudios Legales y Sociales - CELS
Citizen Alliance for North Korea Human Rights (NKHR)
CIVICUS: World Alliance for Citizen Participation
Connectas
Dejusticia - Center for the Study of Law, Justice and Society
Egyptian Initiative for Personal Rights (EIPR)
Families of Disappeared (FOD) Sri Lanka
Front Line Defender
HAK Timor Leste
Human Rights Law Center
Human Rights Law Network
Hungarian Civil Liberties Union (HCLU)
International Network of Civil Liberties Organizations (INCLO)
Irish Council for Civil Liberties (ICCL)
Kenya Human Rights Commission (KHRC)
Legal Resources Center (LRC)
Liberty
SUARAM
The Asian Federation Against Involuntary Disappearances (AFAD)
The Commission for Disappeared and Victims of Violence (KontraS)
The Observatory for the Protection of Human Rights Defenders
Odhikar Bangladesh

