

HUMAN RIGHTS VIOLATION OF THE FALUN DAFU COMMUNITY IN INDONESIA

Background

1. Falun Dafa¹ (also called Falun Gong) is a self-cultivation practice of mind and body that has spread widely to all over the world², including Indonesia. As a community, Falun Dafa has activities which held personally by just one practitioners or as a group. Falun Dafa is just a community of people who practice cultivation, by following principles of Truthfulness – Compassion – Forbearance. So they are people who believe and practice Truthfulness, Compassion, and Forbearance.
2. Since 2000, Falun Dafa has start to be practiced by people in Indonesia, coincide with the publication of Bahasa Indonesia version of Zhuan Falun book (the main book of Falun Dafa) in Indonesia.
3. This report is made by The Foundation of Legal Aids Intitutions (YLBHI), Jakarta Legal Aid Institution, Human Rights Working Group (HRWG), and Perhimpunan Bantuan Hukum Indonesia (PBHI).

Recommendation 2012 Para. 108.102. Guarantee freedom of religion or belief and the full respect of the rights of persons belonging to minorities.

4. Although laws, constitutions and rules that are valid in Indonesia, guaranteed that every Indonesian citizen have rights of; freedom of expression, freedom of association, and freedom of assembly. In reality, Falun Dafa community has become subject of various discrimination and restriction. This discrimination even done by the Indonesian government without obvious reasons, moreover, Indonesian government decline the registration of Indonesia Falun Dafa Association in Ministry of Internal Affairs, and also refused to approve the deed of establishment of the Falun Dafa Association of Indonesia (HFDI) in the Ministry of Justice and Human Rights.
5. Meanwhile, a number of public activity held or followed by Falun Dafa practitioners in Indonesia, often times are intervene or even forbid, with the reason because Indonesian Falun Dafa Association is not registered in Ministry of Internal Affairs. Some of Falun Dafa activity are disbanded by the police because of the pressure from another country.
6. Many effort has already done to solve this Indonesian Falun Dafa Association problems, but there has not any expected result yet, like meeting with some officials from Ministry of Foreign Affairs, Ministry of Culture and Tourism, Spokesman for the President, and Headquarter of Indonesian Police. From all of this meeting, the answer Falun Dafa got is that Falun Dafa have to be intervene and to be forbid because Falun Dafa is disturbing bilateral relationship of Indonesia with another country.

¹ For more information, please visit www.falundafa.org

² Falun Dafa is already practices in 114 countries.

Recommendation 2012 Para. 108.103. Review laws and decrees currently in force restricting the freedoms of religion, opinion, and of expression, in order to prevent any risk of discrimination;

Recommendation 2012 Para. 108.113. Intensify its efforts to respect and uphold freedom of expression, including political expression, and the freedom to manifest one's religious belief, for all its citizens, including by ensuring effective state protection for minorities;

Recommendation 2012 Para. 108.119. Conduct impartial and independent investigations into acts of violence committed against human rights defenders, to bring those responsible to justice and fully guarantee freedom of expression;

A. The Bans of Erabaru Radio in Batam & Criminalization

7. There are some Batam citizens who established a radio station named Era Baru 106.5FM in Batam at 2005. Eventough this establishment has been guaranteed by Constitution of Pers Number 40, 1999, and it has got the license to broadcast.. Bu in reality, this Era Baru radio could not continue it's operation because it is forbid by the government.
8. At March, 24 2010, A team from Ministry of Communication and Information, Indonesian Broadcasting Commision, and Police Departemen of Kepri came to Era Baru Radio Station Office, they shut this office and took the "heart" exciter of the transmitter by force. (*See, Doc. 1 as attached*)
9. It is strongly believe that this bans happened, because there is a country that dislike Erabaru for exposing a Human Rights crime that was and still happening in that country, with the facts that there is forced organ harvesting from Falun gong practitioners in that country for profit³. This is still a controversial issue in United Nations (UN).
10. At May, 05 2010, the director of Era Baru Radio got "criminalized" and stated as a SUSPECT by the Investigator team of Police Deaprtment of Kepri, at the accusation that Era Baru radio do not have frequency license and are disturbing electromagnetic wave for any other necessity in Batam area, with the penalty of 6 years in prison. And then,at September, 06 2011, The director of Era Baru radio is stated guilty because broadcasting without having any frequency license, with the penalty of 6 years in prison, 1 year subsidiary probation fine 50 millions rupiah/ 3 month in prison.
11. And then at September, 13 2011, A team from Communication and Information Department, Indonesian Broadcasting Commision, and Police Departemen of Kepri, once again, they came to Era Baru radio station to bans this radio for the second time,and they took "spare" exciter transmitter by force (Doc. 2) This time the reason of this bans is because of the frequency of Era Baru Radio could be dangerous for the flight in Batam area, but from all radio that are broadcasted in Batam, only Era Baru

³ For more information, please visit <http://en.minghui.org/cc/8/> and endorganpillaging.org

Radio that got banned.⁴

12. Currently the Director of Era Baru radio is being appealed and still has no decision from the Supreme Court, for the Batam and Pekanbaru District Court verdict which declared that the director of Era Baru radio is guilty.

Recommendation:

- Government have to guarantee the rights to express for every citizen, by stop any act of shutting down any media that run the role of democratic media.
- Investigate the bans of media by the government institutions, restore the rights of every citizen, and giving back the media asset that has been taken by force.

B. Decline of HFDI Registration

13. Indonesian Basic Laws 45 Clause 28E number (3). Constitution about Human Rights Number 39 1999, Clause 24, and Clause 21 International Covenant on Civil and Political Rights that has been ratificate with Constitution Number 12, 2005, has stated that every citizen has rights to associate, assemble, and organize.
14. *Himpunan Falun Dafa Indonesia* (HFDI)/ Indonesian Falun Dafa Association was declared at September, 9 2009, and in May, 25 2010, HFDI submit a request to register HFDI as a legal organization to Director General of National Unity and Politics Internal Ministry, by completing all the requirements and filling up the form to register. But, the Director General of National Unity and Politics publish a letter Number: 220/835.DIII June, 17 2010 which stated that Director General of National Unity and Politics is declining the registration of HFDI, the reason is because this organization, is an organization that came from foreign country.
15. Therefore. HFDI filling a suit at Jakarta Administrative Court, and then Jakarta Administrative Court stated that the case should not be accepted. Eventough in the verdict, the judge of this court said that Falun Dafa Indonesia should be more socialize with government institutions and with the society. But the real facts is, the Ministry of Internal Affairs via Director General of National Unity and Politics, publish a letter, number 220/3934.DIII, about the Handling of HFDI Organization, which is stated that any Director General of National Unity and Politics in all area should not accept Falun Gong to be regstitered in their area, and to monitor every activities held by Falun Gong in their area. Which got the impact on the public's rights violations practice Falun Dafa to the level of districts and villages in Bali (See, Doc. 3)
16. HFDI once sent Open Letter to the President that it clarified the facts about Falun Dafa and forwarded to various institutions, including the Parliament, and the entire mass media, but never received a response.
17. In fact, restrictions happen on the practice of Falun Dafa activities in various areas, eg the prohibition of carrying out activities in the field of meditation Bajra Sandhi Monument in Denpasar on 25 September 2015 (See, Doc.4)

Recommendation:

⁴ According to the Press Law No. 40 In 1999, the dispute should press for an objection to a news settled by the Press Council through the mechanism of the right of reply is sent to the editor/ publisher and followed up by the Press Council and not through forcible closure.

- The Indonesian government should guarantee rights of every citizen to establish an organization, and to stop any act of discrimination that forbid some organization to be registered.
- Make an easier process to establish any organization just like stated in Indonesian Basic Laws 45, Constitution about human rights and International Covenant on Civil and Political Rights.

C. Dismission of Peace Act

18. The violation of rights from Falun Dafa practitioners in Indonesia are also happen to peace act, held from 2005 to 2016, there are at least eight peace act that are dismissed by the police in all over Indonesia.
19. At April, 23 2005, in Jakarta, forced dismission by the police happen when Falun Dafa community held a peace act to protest the persecution of Falun Dafa in a foreign country. 12 Falun Dafa practitioners were arrested and got carried to the police car in meditation pose, they got interrogated and have to stay at the police station for one night. At April, 24, 12 practitioners were tried in Jakarta Selatan Court with the accusation of violating DKI Jakarta rule number 11, 1998, about green area, after fail to accused by the violating public order. After the trial, the judge verdict that 12 practitioners is not guilty, and they are all be released. (Doc. 5)

D. Dismission of Falun Gong Parade in Semarang

20. At April, 7 2007, about 02 PM, Falun Dafa practitioners gatered in Five Intersection Semarang Area, they will start a parade there, to promote the beauty of Falun Dafa, and to expose persecution of Falun Gong that was and still happening in some country. We form lines, held banners, raise up our flags, we were raedy to parade. (See, Doc. 6)
21. But, just a few minutes later, dozens of police came and dissmis our parade by force, the reason is that we don't have a Receipt Notification Letter from the police. Correspond with rule in Indonesia, that a peace act or a demonstration is permitted, if there is a notification to the police, three days before the activity, and Falun Dafa has already done it, so there should be no violation done by Falun Gong here. But still, this parade was dissmisssed by the police. (See, Doc. 7)

E. Cancellation of Falun Gong Group in 480th Jakarta Birthday Event

22. To celebrate 480th Jakarta Birthday, at July 07 2007, there will be a carnival of decorated car, the event will be called Jakarnaval. Falun Dafa with the name Solidaritas Falun Dafa has already registered and got the number 26. But, without obvious raeson, just one day before the carnival, the committee of this carnival cancelled the participation of Falun Dafa, actually there are already about 150 Falun Dafa practitioners from other country that came to Indonesia to celebrate this 480th Jakarta Birthday. (Doc. 8)
23. In the end, practitioners still participate in this carnival, with about 10 pro bono lawyers accompanying them. But at the event, the police was pushing Falun Gong practitioners and also pushing some of pro bono lawyers. (Doc. 9)

F. Dismission of Falun Gong Parade in Surabaya

24. To celebrate World Falun Dafa Day that is at May, 13 2011, Practitioners from all area in Indonesia is going to held a parade in Saturday, May, 7 2011, by performing a TianGuo Marching Band, and meditating. But the police and civil service police dismissed the parade by force. There are even act of violence from the police. Indonesian Falun Dafa Association has already report this to the sent a letter to appeal for a hearing to the Presiden, House of Representatives, Headquarters of the Police, etc, but up until now, there is no response. (Doc. 10)

G. Interference of Falun Gong Parade in Kuta Karnival Bali

25. For the last five years, since to 2002 to 2007, Falun Dafa practitioners in Bali always get an invitation to participate in Kuta Karnival Parade in Bali. But, at the sixth years, the Kuta Karnival Bali that will be held at October, 26 2008, suddenly Falun Dafa participation of this event was cancelled.
26. But, Falun Dafa community still held an activity and a Waist drum performance in Kuta beach, Bali, about one kilometer from the Kuta Karnival Parade event. Before the activity started, the police gave a stern warning to us not to continue this activity, they even said some inappropriate words to us. But we still do the Falun Gong exercise and performing our Waist Drum art, this became a great show for domestic and foreign tourist.(See, Doc. 11)

Recommendation:

- Government have to guaranteed the rights to express, rights to do demonstration and a peace act, for every citizen, and must not using any repressive act to block all that rights.

H. Falun Dafa Got Pressure When KAA (Konferensi Asia Afrika)/ Asian-African Conference 2015 in Bandung

27. In April 2015, the Asian-African Conference, which took place in Bandung, Indonesia. In this event planned delegation from one country will be present, but they ask for a condition, that during the event there should be no expansion of the Falun Dafa banner.
28. In fact, the activity we would do is already guaranteed by the Act concerning the right of expression as stipulated in Article 28E Paragraph (3) of the Base Act 1945, Act No. 39 Year 1999 on Human Rights and Law No. 9 Year 1998 on Freedom of Expression: Publications. And if the reason of where implementation of the action, not including the Asia-Africa Conference where prohibited by Article 9 paragraph 2 of Act No. 9 1998. Precisely in article 7 of Law No. 9 of 1998, there is an obligation of government officials to protect human rights, respect the principle of legality, respect the presumption of innocence and the security held.
29. Therefore, it is fitting of government officials in this regard and the police to guarantee protection for citizens of Indonesia who will do right to opinion and expression is not even subject to the interests of a foreign country.
30. Some of us, the instructor of Falun Dafa practice site even approached by some people, and they asked about our plans whether to unfurl a banner in the KAA event, and then forbid us to do so, arguing that it is a special request delegation form one foreign country and to maintain security during the KAA.
31. As Chairman HFDI also was invited by the Inspector General of Police Headquarters

to meet with a big entrepreneur at Hotel Borobudur office, during the meeting the Chairman HFDI intimidated if persisted unfurled a banner that Falun Dafa it will be "taken away". Returning from Borobudur hotel (at 12 am) Chairman HFDI car had been followed and had been a romp in Cawang Toll Road - JOR. Chairman HFDI wife at home was also visited by someone who threatened that Falun Dafa must not held banners at the time of KAA event.

Recommendation:

- That the state of Indonesia is a country that has been independent and sovereign, and has a law that became the basis of state law. Then the government must have the courage to stand as a sovereign state, and instead of subject to another country, but it also must uphold the right of all citizens, which has been written in the Act.

Annexes

Doc. 1:



A team from Communication and Information Department, Indonesian Broadcasting Commission, and Police Departemen of Kepri took the exciter from Era Baru radio by force



A team from Communication and Information Department, Indonesian Broadcasting Commission, and Police Departemen of Kepri took the exciter from Era Baru radio by force, and a director of Era Baru radio is trying to block them, by lying on the ground.

- <https://www.youtube.com/watch?v=r76o5KpuBtA>

Doc. 2:



Police and team from pushes the director of Era Baru radio, in attempt to take the exciter in Era Baru radio station.



A team from Communication and Information Department, Indonesian Broadcasting Commission, and Police Departemen of Kepri, are trying to break the padlock in the door to the room where the exciter stored.



A team from Communication and Information Department, Indonesian Broadcasting Commission, and Police Departemen of Kepri, are taking the exciter from Era Baru radio, and some staff from Era Baru radio are trying to stop them.

Doc. 3: A letter from Director General of National Unity and Politics, to the Bali Regent, stated that regent / mayor in all Bali should not accept Falun Gong to be registered in their area.



PEMERINTAH PROVINSI BALI
BADAN KESATUAN BANGSA & POLITIK
JL. KAPTEN TANTULAR NO 1 NITI MANDALA TELP./FAX. 0361-221788
DENPASAR

Denpasar, 28 Januari 2013

Nomor : 300/702/Bid.I/BKBP
Lampiran : 1 (satu) gabung
Sifat : Penting
Hal : Keberadaan Organisasi HFDI

Kepada
Yth. **Bupati / Walikota se-Bali**
di -
Tempat


I. Dasar:

Surat Direktur Jenderal Kesatuan Bangsa dan Politik Kementerian Dalam Negeri RI, Nomor 220/3934.DIII, Tanggal 27 Nopember 2012, Perihal: Penanganan Organisasi Himpunan Falun Dafa Indonesia (HFDI).

II. Berdasarkan Dasar tersebut di atas, kami sampaikan Kepada Bupati / Walikota se-Bali untuk tidak menerima pendaftaran organisasi Himpunan Falun Dafa Indonesia (HFDI) / Falun Gong berdasarkan pertimbangan sebagai berikut:

1. bahwa Himpunan Falun Dafa Indonesia (HFDI) / Falun Gong merupakan organisasi yang berasal dari Republik Rakyat Cina (RRC) dan memiliki masalah dari negara asalnya.
2. keberadaan Himpunan Falun Dafa Indonesia (HFDI) / Falun Gong di Indonesia khususnya di Bali sangat mempengaruhi hubungan antara kedua negara (Pemerintah RI dan Pemerintah RRC).
3. agar melarang setiap aktifitas / kegiatan yang mengatasnamakan Himpunan Falun Dafa Indonesia (HFDI) / Falun Gong serta dilarang memperlihatkan dan menyebarkan pamflet/brosur, selebaran, spanduk dan lain-lainnya.

Demikian untuk maklum.

An. GUBERNUR BALI
KEPALA BADAN KESATUAN BANGSA
DAN POLITIK

Drs. I Gede Putu Jaya Suartana, M.Si
Pembina Tk. I
NIP. 19581202 198503 1 012

Tembusan disampaikan kepada Yth :

1. Gubernur Bali di Denpasar (sebagai laporan).
2. Panglima Daerah Militer IX/Udayana di Denpasar.
3. Kepala Kepolisian Daerah Bali di Denpasar.
4. Kepala BIN Daerah Bali di Denpasar.
5. Komandan Korem 163/Wirasatya di Denpasar.
6. Kepala Satuan Polisi Pamong Praja Provinsi Bali di Denpasar.
7. Kepala Dinas Kebudayaan Provinsi Bali di Denpasar.
8. Kepala Dinas Pariwisata Provinsi Bali di Denpasar.
9. Kepala Kepolisian Resor Kota Denpasar di Denpasar.
10. Komandan Kodim di Lingkungan Korem 163/WSA se-Bali.
11. Kepala Kepolisian Resor Kabupaten se-Bali.

Doc. 4 A letter from Director General of National Unity and Politics, to Falun Gong practitioners, not giving permit to lease Lapangan Bajre Sandi, because Falun Dafa is not a registered organization.



PEMERINTAH PROVINSI BALI
BADAN KESATUAN BANGSA DAN POLITIK
JL. KAPTEN TANTULAR NOMOR 1 NITI MANDALA TELP.231788.
DENPASAR

Nomor : 220 /18827 /Bid.II/BKBP.
Lampiran : -
Perihal : Penyewaan Lapangan untuk
Meditasi

Denpasar, 7 September 2015.

Kepada :

Yth. Koordinator Acara
Solidaritas Falun Dafa Bali
(I Wayan Manuh)

di-

Tempat.

Berkenaan dengan Surat Saudara Koordinator Acara Solidaritas Falun Dafa Bali tanggal 31 Agustus 2015 Nomor : 02/SFDB/VIII/2015 perihal Penyewaan lapangan untuk meditasi pada Hari Jumat tanggal 25 September 2015 bertempat di Lapangan Utara Monument Bajra Sandhi yang ditujukan kepada kami, dengan ini kami sampaikan bahwa sesuai dengan Surat Kemendagri Plt. Dirjen Kesbang Pol Tanggal 16 Januari 2015 Nomor : 220/0109/Kesbang Pol perihal Penjelasan Putusan MK terhadap UU No 17 Tahun 2013 bahwa Ormas yang tidak memiliki Surat Keterangan Terdaftar tidak mendapat pelayanan dari Pemerintah dan Pemerintah Daerah.

Sehubungan dengan permintaan Ormas Falun Dafa Bali untuk meminta Rekomendasi terhadap penyelenggaraan meditasi di Lapangan Utara Monument Bajre Sandi, dengan permohonan maaf kami tidak bisa memberikan Rekomendasi terhadap kegiatan dimaksud.

Demikian kami sampaikan dan atas kerjasamanya diucapkan terima kasih.

KEPALA BADAN KESBANG POL PROVINSI BALI



DRS. I GEDE PUTU JAYA SUARTAMA. M.Si.

PEMBINA UTAMA MUDA.

NIP. 19581202 198503 1.012.

Doc. 5



The Police take a practitioner that is meditating.



Some practitioners on trial.



Some practitioners on trial.

Doc. 6



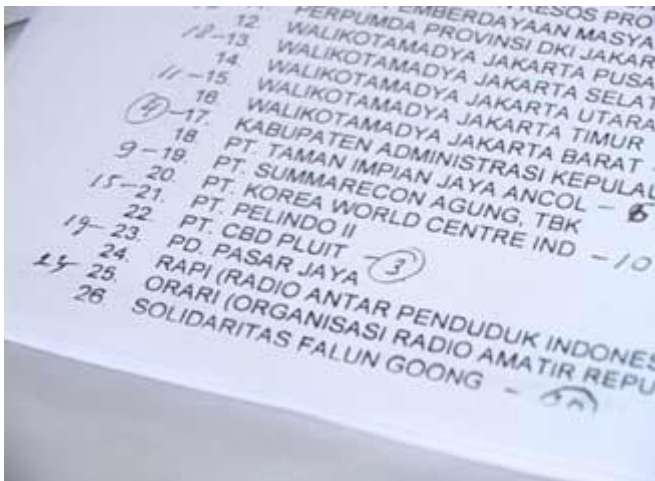
Falun Dafa practitioners are getting ready for parade.

Doc. 7



Falun Dafa practitioners who are going to start the parade, get dismissed by the police.

Doc. 8



Solidaritas Falun Gong is already registered, and got the number 26.

Doc. 9



The police are pushing Falun Gong practitioners in Jakarnaval event.

Doc. 10

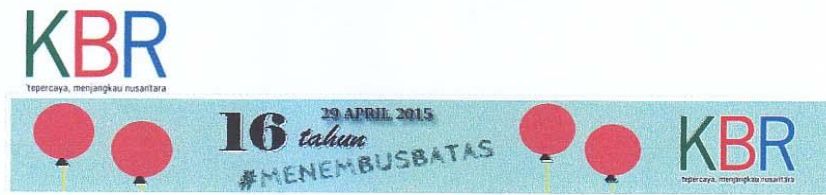


Falun Gong practitioners became a victim of police violence (wounded in the face).

Doc. 11



Falun Dafa practitioners are performing Waist Drum dance in Kuta beach.



LIVE

BERITA

TOLERANSI

AGENDA

ASIA CALLING

KBRCAST

Cari disini...

ON AIR: 11:35-12:00 MUSIC MIX

NEXT: 12:00-12:06 KABAR BARU

NUSANTARA

Kepolisian Jabar Akan Larang Ajaran Falun Gong

Arie Nugraha

Selasa, 14 April 2015 13.21 WIB



ilustrasi

KBR, Bandung - Kepolisian Jawa Barat bakal melarang keberadaan ajaran Falun Gong. Hal ini dikatakan oleh Kepala Polisi Jawa Barat Mohammad Iriawan, usai gelar pasukan pengamanan Konferensi Asia Afrika ke 60 di Lapangan Gasibu, Bandung, Selasa (14/4/2015).

Menurut Iriawan, pelarangan ini akan dilakukan sesuai dengan keputusan pemerintah Tiongkok, negara asal ajaran tersebut, yang telah menerbitkan hal serupa.

"Sebabnya di sana (Tiongkok) sudah dilarang, ya kita bantu lah. Kalau di negara kita melarang suatu aliran, negara lain juga akan mengikuti," ujarnya di Lapangan Gasibu, Bandung, Selasa (14/4).

Mohammad Iriawan menyatakan, hal itu menindak-lanjuti permintaan Tiongkok agar pada puncak peringatan Konferensi Asia Afrika, di lokasi perayaan tidak dipasangnya spanduk ajaran Falun Gong.

Pada puncak perayaan peringatan Konferensi Asia Afrika ke 60 tanggal 24 April 2015, rencananya akan hadir pemimpin Korea Utara Kim Jong-un serta Presiden Tiongkok Xi Jinping. Tetapi kedatangan mereka dibarengi dengan syarat, yaitu meminta tidak adanya spanduk Falun Gong selama acara berlangsung.

Editor: Antonius Eko

A news, stated that The Police Department of West Java will ban Falun Gong as to compromise with the request from some delegation from another country that will attend the Asia Africa Conference event.

Profile of Stakeholders:

1. Indonesian Legal Aid and Human Rights Association (PBHI) is a member based organisation aims to promotes and defends human rights by adhering non-discriminatory principles. PBHI was founded in November, 1996 as a respond of fragile human rights situation under Indonesia's despotic regime, Soeharto. To date, PBHI has expanded its region to include 10 cities in Indonesia; North Sumatera; West Sumatera; Lampung; Greater Jakarta Area; West Java, Yogyakarta; Central Java; Bali; West Kalimantan; and South Sulawesi. The members of the organisation is currently reached 1000 individuals, with various background, from professional lawyers, public servants, peasants, labor, to private sectors. Website://www.pbhi.or.id/
2. The Indonesian Legal Aid Foundation (YLBHI) was established on October 26, 1970 at the initiative of Dr. Adnan Buyung Nasution, SH Establishment of Legal Aid Institute in Jakarta, followed by the establishment of the branch offices of NGOs in the regions such as Banda Aceh, Medan, Palembang, Padang, Bandar Lampung, Bandung, Semarang, Surabaya, Yogyakarta, Bali, Makassar, Manado, Papua and Pekanbaru. Currently YLBHI LBH has 15 branches in 15 provinces, and 10 posts in 10 districts LBH. Website: <http://www.ylbhi.or.id/>
3. Human Rights Working Group (HRWG) is Indonesian NGOs coalition for international human rights advocacy, based in Jakarta, consist of 43 CSOs/NGOs around Indonesia. Contact: hrwg@hrwg.org, hrwg.indonesia@gmail.com, website www.hrwg.org, Twitter @HRWG_Indonesia
4. Jakarta Legal Aid Institution: Jakarta Legal Aid Institute, or LBH Jakarta –Lembaga Bantuan Hukum Jakarta, is an organization which stands under the Indonesia Legal Aid Foundation, or YLBHI –Yayasan Lembaga Bantuan Hukum Indonesia which providing legal aid for the poor, law illiteracy and suppressed people. Website: <http://en.bantuanhukum.or.id/>