

[Your address or logo]

[Name of addressee and address]

[Date]

***Subject: Repeal of the Qanun Jinayah (Islamic Criminal Legal Code) in Aceh***

[Dear Sir/Your Excellency],

I am deeply concerned about the law passed on Monday 14 September 2009, by the Aceh Legislative Council (DPRD), which expands the range of violent punishments for alleged moral and sexual transgressions, including stoning to death for “adultery” and 100 lashes for homosexuality.

I welcome your refusal to sign the law and your engagement with civil society groups to propose an improved set of laws in the place of the new *Qanun Jinayah* (Islamic Criminal Legal Code). While I am encouraged by your vocal and continued support of human rights, I urge you to involve all citizens in a debate on the creation of legislation that would serve the interests of all, particularly the most economically and socially disadvantaged, with the eventual aim of repealing the *Qanun Jinayah*.

I believe that these new laws are in violation of several Articles of the Universal Declaration on Human Rights, particularly:

- Article 3: Everyone has the right to life, liberty and security of person.
- Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

These Articles were elaborated in major international human rights conventions – specifically, the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, both of which Indonesia has signed and ratified and is therefore obligated to respect, protect and fulfil in its domestic laws and in practice.

No ‘religion’, ‘culture’ or ‘tradition’ should be used to excuse killing and maiming for alleged moral transgressions. We maintain that stoning to death is a grave and serious violation of international human rights law, and one that should not be overlooked by the international community.

Stoning is not prescribed in the Quran, and some Muslim-majority nations such as Malaysia, Tunisia and Algeria have banned death by stoning. Even in Indonesia, where over 90% of the population is considered to be from Muslim communities, stoning is prohibited as a form of torture by the national Constitution.

According to Komnas Perempuan (the National Commission on Violence Against Women), the most controversial point of the legislation passed by the Aceh Legislative Council is that for the first time stoning to death would be codified in the Indonesian legal system and Islamic jurisdiction would be expanded into criminal law when in fact national law should carry legal authority.

I also wish to point out that apart from the sentence of stoning to death, the new *Qanun Jinayah* will bring about the following threats to the protection of human rights:

- Rape cases will be lumped with cases of consensual sex outside marriage, i.e. *zina*.
- Marital rape will be legalised.
- The victim of rape will be accused of being the guilty party in the case where the victim reports her rape but is unable to provide four male witnesses.
- Impunity will be given to rapists who rape at the command of superiors with authority
- There will be harsh criminalisation of alleged 'homosexual behaviour' based on dress and mannerisms

Lastly, I affirm my support for the Coalition of Human Rights Organizations (Koalisi NGO HAM), one of the leading human rights organisations in Aceh advocating against regulations and policies, such as *Qanun Janiyah*, that are particularly discriminatory to marginalised groups.

Yours sincerely,

[*Your name and affiliation/website, etc*]