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Indonesia: Human rights defenders Egi Primayogha and Miftachul Choir reported to the police on charges of defamation

On 10 September 2021, General Moeldoko, the Presidential Chief of Staff [officially reported](#) human rights defenders **Egi Primayogha** and **Miftachul Choir** to the Criminal Investigation Unit of the National Police of Jakarta for alleged defamation, related to article 27 of the Electronic Information and Transactions Law and articles 310 and 311 of the criminal code. If charged, the human rights defenders could be sentenced to 6 years in prison.

[Egi Primayogha](#) is a human rights defender and member of Indonesia Corruption Watch (ICW), a prominent anti-corruption organisation in Indonesia. As a student, he was involved in various civil society movements in university, such as the student press and student co-operative movement. The human rights defender is currently working on various human rights issues such as freedom of information, access to health, and the right to natural resources. He is also vocal about the implication of politicians and business groups in human rights violations.

[Miftachul Choir](#) is a human rights defender and a short-term contract member of the Political Corruption Division of Indonesia Corruption Watch (ICW). His research focuses on political-economy of the coal mining industry, the party financing regime and the electoral system. Prior to joining ICW, Miftachul Choir was involved with the student press and various student movement groups. Currently, he is a postgraduate student at the Institute of Human Rights and Peace Studies (IHRP), Mahidol University.

On 10 September 2021, General Moeldoko, the Presidential Chief of Staff, officially accused Egi Primayogha and Miftachul Choir of defamation and reported them to the Criminal Investigation Unit of the National Police of Jakarta. The accusations against the human rights defenders relate to a [study](#) published by the Political Corruption Division of ICW which alleges the involvement of various public officials, in promoting the circulation of the drug Ivermectin during the COVID-19 pandemic. Both human rights defenders were involved in the research and presentation of this study.

On 29 July 2021, it was reported that the Presidential Chief of Staff planned to issue a subpoena against Egi Primayogha and Miftachul Choir regarding the study published by ICW. On the same day, 109 civil society organisations and community groups [expressed solidarity](#) with Egi Primayogha, Miftachul Choir and ICW and urged General Moeldoko to withdraw the subpoena. On 2 August 2021, the lawyer of the Presidential Chief of Staff sent a [subpoena](#) to ICW, specifically addressing Egi Primayogha and Miftachul Choir. The subpoena asked them to withdraw the claims made by their study and to apologise to the Presidential Chief of Staff within 24 hours. It also threatened to report the human rights defenders to the police if the demands were not met. Subsequently, two other subpoenas issued by Moeldoko were sent to Egi Primayogha and Miftachul Choir on 5 August 2021 and 20 August 2021, with similar demands and threats.

In Indonesia, article 27 paragraph (3) of the Electronic Information and Transactions Law concerns defamation, and articles 310 and 311 of the Criminal Code concern attacking someone's honor and reputation with accusations and defamation respectively. However, the Criminal Code also contains relevant justifications for the publishing of the study by the human rights defenders under Article 310 paragraph (3), which states, "it does not constitute defamation if the act is carried out in the public interest". It has been observed by human rights defenders in Indonesia that government

officials often abuse their power by using the Electronic, Information, and Transactions Law and defamation charges to silence activists or human rights defenders in the country.

Front Line Defenders is concerned about the accusations brought against human rights defenders Egi Primayogha and Miftachul Choir as it believes that they are in direct response to their their peaceful and legitimate work in defence of human rights in the country.

Front Line Defenders urges the relevant authorities in Indonesia to:

1. Take measures to ensure that no charges are brought against Egi Primayogha and Miftachul Choir;
2. Immediately and unconditionally cease all further forms of harassment against Egi Primayogha and Miftachul Choir, as it is believed that these measures are not only solely related to their legitimate human rights activities but, furthermore, constitute a direct transgression of their rights;
3. Take measures to ensure that government officials or other public figures refrain from making statements or declarations stigmatising the legitimate work of human rights defenders;
4. Guarantee in all circumstances that all human rights defenders in Indonesia are able to carry out their human rights activities without fear of reprisals and free of all restrictions, in line with Indonesia's international human rights obligations and commitments;
5. Initiate a comprehensive legal reform process, in genuine consultation with independent civil society and human rights defenders, to review existing laws, regulations, policies and practices, especially provisions related to offences criminalising peaceful expression used to target human rights defenders, with a view to aligning them with Indonesia's obligations under international human rights law and standards.

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