



5 February 2021

H.E. Y. Kristiarto S. Legowo
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Dear Ambassador Legowo

RE: CAPITAL PUNISHMENT TARGETING THE LGBTQIA+ COMMUNITY

I am writing on behalf of the 10 million supporters of Amnesty International around the world with great sadness and disappointment regarding the public flogging of two men in Bandeh Aceh on Thursday 28 January 2021 for allegedly participating in consensual same-sex relations.

The Universal Declaration on Human Rights¹, the International Covenant on Civil and Political Rights² and the Convention Against Torture all prohibit torture and “cruel, inhuman, or degrading treatment or punishment”. Various United Nations organs, including the UN High Commissioner for Human Rights³ and the UN Human Rights Committee⁴, have made it clear that flogging amounts at the very least to cruel and inhuman punishment. **No one deserves to be brutalized and humiliated in this way.**

Acehnese authorities conducted at least 60 public floggings against 254 people in 2020, 52 of which were conducted after the COVID-19 outbreak in Indonesia started. Eight people have been flogged in 2021 already.

In 2013, the United Nations Human Rights Committee asked Indonesia to take practical steps to put an end to corporal punishment and to repeal the provisions of the Acehnese law permitting its use in the penal system.⁵ Furthermore, consensual sexual relationships must not be treated as a criminal offence, nor are they a crime against morality.⁶ Everyone has the right to life, liberty and the security of person⁷, and the right to be free from discrimination.⁸

¹ United Nations, *Universal Declaration on Human Rights*, Article 5

² United Nations, *International Covenant on Civil and Political Rights*, Article 7

³ UN News, *Saudi Arabia: public flogging of blogger ‘cruel and inhuman,’ says UN rights chief*, 2015: <https://news.un.org/en/story/2015/01/488332>

⁴ Centre for Human Rights in Iran, *UN Human Rights Committee Sharply Criticized Increasing Flogging Sentences in Iran*, 2011: <https://www.iranhumanrights.org/2011/10/flogging-trend/>

⁵ United Nations Human Rights Committee, *Concluding observations on the initial report of Indonesia*, CCPR/C/IDN/CO/1, 2013

⁶ United Nations Human Rights Commissioner, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, 2011, A/HRC/19/41

⁷ United Nations, *Universal Declaration on Human Rights*, Article 1

⁸ United Nations, *Universal Declaration on Human Rights*, Article 2

Amnesty International Australia calls on:

- **the Aceh and central government authorities to take immediate action to halt this cruel practice and revoke the bylaws that allow them to take place, and**
- **the Indonesian government to invite the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to undertake a fact-finding visit.**

For further information, or to discuss and organise a meeting, please contact Joel MacKay at joel.mackay@amnesty.org.au or 0424 242 112.

Yours sincerely,

Tim O'Connor
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Amnesty International Australia