

URGENT ACTION

TWO PAPUAN MEN CHARGED FOR THEIR ACTIVISM

A Papuan political activist has been detained as a result of his peaceful political activities. The activist has been charged with the “rebellion (*makar*)” and could face up to life imprisonment. Another Papuan political activist has also been charged with committing maltreatment and could face up to 32 months’ imprisonment.

Fifteen political activists from the West Papuan National Committee (KNPB) and the Mimika People’s Parliament (PRDM) were arrested on 5 April at a joint peaceful praying activity in the backyard of the GKII Jemaat Gologota Church in Utikini village, Kuala Kencana district, Papua province. After two days, the Mimika Resort Police released without any charges 13 of the 15 political activists. However, the head of KNPB Mimika branch, **Steven Itlay**, has been charged with “rebellion” under Article 106 of the Indonesian Criminal Code (KUHP), and could face up to life imprisonment. Another activist and member of KNPB, **Jus Wenda**, has been charged with maltreatment against the Head of Mimika Resort Police Force under Article 351(1) of the Criminal Code. Jus Wenda, who denies committing this violent act, could face up to 32 months’ imprisonment. Both of them are being detained at the Mimika Resort Police Headquarters in Mimika district, Papua province.

The joint praying activity was a gathering in support of a peaceful Papuan pro-independence umbrella group, the United Liberation Movement for West Papua (ULMWP) to be accepted as a member of Melanesian Spearhead Group (MSG), a sub-Pacific intergovernmental organization. The police argued they allowed the praying activity, but that they had to disband the gathering by opening a warning fire because someone delivered political speech on the stage. The police forces also destroyed many banners and flags belonging to the KNPB group.

Please write immediately in English, Indonesian or your own language:

- Urging the authorities to immediately and unconditionally release Steven Itlay and drop the charges against him as he has been arrested solely for the peaceful exercise of his right to freedom of expression;
- Calling them to ensure that pending the release of Steven Itlay and Jus Wenda, they are not tortured or otherwise ill-treated, and have regular access to their family, lawyer of their choice.

PLEASE SEND APPEALS BEFORE 19 MAY 2016 TO:

Papua Regional Head of Police
 Irjen Paulus Waterpauw
 Papua Regional Police Headquarters
 Jl. Sam Ratulangi No. 8,
 Jayapura, Papua,
 Indonesia
 Fax: +62 967 533763 345 0918
Salutation: Dear Inspector General

Co-ordinating Minister for Political, Legal
 and Security Affairs
 Luhut Binsar Pandjaitan
 Ministry for Political, Legal and Security
 Affairs
 Jl. Medan Merdeka Barat No. 15,
 Jakarta Pusat 10110, Indonesia
 Fax: +62 21 345 0918
 Twitter: @lapor1708
Salutation: Dear Minister

And copies to:
Chairperson National Human Rights
 Commission (Komnas HAM)
 Mr. Imdadun Rahmat
 Chairperson National Human Rights
 Commission (Komnas HAM)
 Jl Latuharhary No.4 Menteng Jakarta
 Pusat 10310 Indonesia
 Fax: +62 21 39 25 227
Salutation: Dear Imdadun Rahmat

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
 INTERNATIONAL**



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ADDITIONAL INFORMATION

Indonesia enshrines guarantees to freedom of expression and peaceful assembly in its Constitution and national legislation. But legislation continues to be used to criminalize peaceful political activities and to imprison people solely for the peaceful exercise of their rights to freedom of expression and opinion, peaceful assembly conscience and religion.

Dozens of peaceful political activists are currently imprisoned in the Papuan region (provinces of Papua and West Papua), some sentenced to as long as 20 years' imprisonment, for attending, organizing or participating in peaceful political activities or protests, or possessing, raising or waving the prohibited pro-independence 'Morning Star' flag of Papua. Many of those arrested are charged with "rebellion" (*makar*) under Articles 106 and 110 (crimes against the security of the state) of Indonesia's Criminal Code.

Amnesty International has also documented the use of excessive force and firearms as well as torture and other ill-treatment against political activists and others accused of links to pro-independence groups. Accountability for such acts is rare, and at most security personnel receive disciplinary sanctions. See other Amnesty International's document for these issues: <https://www.amnesty.org/en/documents/asa21/3010/2015/en/> and <https://www.amnesty.org/en/documents/asa21/1932/2015/en/>.

The United Liberation Movement for West Papua (ULMWP) is an umbrella organization established in December 2014 and formed of different factions of the Papuan independence movement.

The Melanesian Spearhead Group (MSG) is an intergovernmental organization, founded as a political gathering in 1983, composed of the four Melanesian states of Fiji, Papua New Guinea, Solomon Islands and Vanuatu, and the Kanak and Socialist National Liberation Front (FLNKS) of New Caledonia. Indonesia is an associate member, while ULMWP is an observing member.

Amnesty International takes no position whatsoever on the political status of any province of Indonesia, including calls for independence. However, the organization believes that the right to freedom of expression includes the right to peacefully advocate referendums, independence or other political solutions.

One of the reasons why cases of torture and other ill-treatment continue to occur in Indonesia is the failure to revise Indonesia's Criminal Code, to criminalize acts of torture. In 2008, the UN Committee against Torture called on the Indonesian government to revise the Criminal Code to incorporate the crime of torture consistent with the definition in Article 1.1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to ensure that all acts of torture are punishable by appropriate penalties which take into account their grave nature. The Criminal Code has been under revision for about three decades. The Ministry of Law and Human Rights submitted a new draft of the Criminal Code to parliament in June 2015 for deliberation in August.

Name: Steven Itlay and Jus Wenda

Gender m/f: both m

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