

URGENT ACTION

PAPUAN FARMER IMPRISONED FOR FACEBOOK POST

Soon Tabuni, a Papuan farmer, sentenced to 6 months imprisonment and a fine of IDR 1 billion (approximately USD68,828) for a Facebook post. Court proceedings have been incredibly slow, with restricted access to his lawyer and family. Detained for 332 days, there are concerns for Soon's health and wellbeing due to poor prison facilities. Charged under the Electronic Information and Transactions Act (ITE Law), Amnesty International is concerned that these criminal proceedings threaten respect for and the protection of the right to freedom of expression in Indonesia.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

*President Republic of Indonesia
Ir. H. Joko Widodo
State Secretariat
Jl. Veteran No. 17-18
Kota Jakarta Pusat, DKI Jakarta
Indonesia (10110)*

Dear President Widodo,

*I am writing to you to express my concern about **Soon Tabuni**, a Papuan farmer, who has been imprisoned solely for a Facebook post he made last year. He has been detained for peacefully expressing his opinion, as guaranteed by Article 19 of the International Covenant on Civil and Political Rights that Indonesia has ratified.*

It is alarming to me that, in addition to having already been detained for 332 days in the Mobile Brigade Command Prison, Soon Tabuni has had restricted access to his lawyers and family. Charged under the Electronic Information and Transactions Act (ITE Law), the Timika District court sentenced him to 6 months imprisonment, a fine of IDR 1 billion, a subsidiary of 6 months imprisonment.

I find it distressing to learn that when Soon Tabuni was arrested on 27 May 2020, he was shot three times in the leg by a plain-clothed police officer. He was on his way to repair his computer at the time.

Amnesty International is concerned that criminal proceedings under the ITE Law threaten respect for and the protection of the right to freedom of expression in Indonesia. The right to freedom of expression is essential for the right to peacefully advocate for independence or any other political ideas that do not involve incitement to discrimination, hostility or violence. Criminalizing such peaceful exercise of human rights is contrary to international human rights law.

I, therefore, urge you to:

- **Immediately and unconditionally release Soon Tabuni as he is detained solely for peacefully exercising his human rights;**
- **Drop the charges against him; and**
- **Pending his release, ensure that he is protected from torture and other ill-treatment and have regular access to their family members, access to medical care, and lawyers of his choice.**

Yours sincerely,

ADDITIONAL INFORMATION

Soon Tabuni was arrested after he made a Facebook post on 25 May 2020 stating "The shooting of 2 school children at mile 34, Kalibiru, Timika and 2 medical personnel at Intan Jaya, the actor is the Papua Police Chief Paulus Waterpauw".

He was arrested two days later, on 27 May, by plain clothed officers from the Mimika Police without an arrest warrant. During the arrest, Soon was shot three times in the leg causing him to be taken to the hospital for treatment (outpatient).

Soon Tabuni was later detained at the Mobile Brigade Command prison in Mimika Regency where he remained until today. He has been accused of violating the Article 45A paragraph (2) jo. Article 28 paragraph (2) Law No. 19 of 2016 on the Amendment to Law No. 11 of 2008 on Electronic Information and Transactions jo. Article 55 paragraph (1) of the Criminal Code.

Court proceedings have been incredibly slow, with Soon having been detained for 332 days. Soon's lawyers have only been able to see him after lodging multiple complaints. All legal meetings have with a strict time limit and have been closely monitored.

The prosecutors read their indictment on Thursday, 15 April 2021, with demands for his imprisonment of 1 year 6 months, a fine of IDR 1 billion, a subsidiary of 6 months imprisonment. On 23 April 2021, the Timika District court sentenced him to 6 months imprisonment and a fine of IDR 1 billion.

The poor conditions of the detention facilities, namely bad air circulation and poor water quality, has had a negative impact on Soon's physical and mental wellbeing. His family are only able to visit him once a week, raising fears for his deteriorating health. Responding to why Soon was being held at the Mobile Brigade Command prison, which is not standard procedure, officers stated that it was due to "orders from superiors".

The President of the Republic of Indonesia has expressed his concern on the ITE law as it may not be consistent with the public sense of justice. The President has ordered the Chief of Police and all Police personnel to be more selective in responding to and accepting reports that use the ITE Law as a legal reference¹.

The Indonesian authorities have used the ITE Law to prosecute hundreds of peaceful activists, media officers and human right defenders who criticize the government. The ITE Law, contains vague language which has been misused by the government to criminalize the rights to freedom of expression, thought, conscience and religion in Indonesia. The criminal defamation and "incitement" provisions under ITE Law have been used to criminalize freedom of expression. These include Article 27(3), which criminalizes "the conduct of anyone who intentionally and without right distributes and/or transmits and/or makes accessible electronic information and/or electronic documents that contains insults and/or defamation". Article 28(2) of the ITE Law also criminalizes "the dissemination of information that incites hate or enmity among certain individuals and/or groups based on ethnicity, religion, race or intergroup relation".

PREFERRED LANGUAGE TO ADDRESS TARGET: [Indonesian, English]

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 27 June 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: [Soon Tabuni] (He/Him).

¹ "Implementasi Undang-Undang ITE Harus Berikan Rasa Keadilan di Tengah Masyarakat" available at <https://www.presidenri.go.id/siaran-pers/implementasi-undang-undang-ite-harus-berikan-rasa-keadilan-di-tengah-masyarakat/>