

URGENT ACTION

ACTIVIST IN PRISON FOR 'CRIMES AGAINST STATE SECURITY'

Environmental activist Heri Budiawan, known as Budi Pego, was sentenced to 10 months in prison on 24 January 2018 for "crimes against state security." The first conviction under a provision which criminalises spreading communist ideology since the downfall of Soeharto in 1998, it sets a dangerous precedent for other activists. Heri Budiawan is a prisoner of conscience and must be immediately and unconditionally released.

Heri Budiawan was sentenced to ten months imprisonment on 24 January 2018 by the Banyuwangi District Court in East Java Province for violating Article 107a of the Indonesian Criminal Code for "Crimes against State Security". He was found guilty of three primary charges; spreading Communist ideology, not notifying local police about a protest according to Law No. 9/1998 and, as the leader of the protest, openly promoting pro-communism ideology by displaying of hammer and sickle symbol during the protest

On 4 April 2017, villagers from Sumberagung, East Java Province peacefully protested a new gold mine in Salakan Mountain as they believe the company running it is responsible for causing ecological destruction and endangering the safety of five nearby villages. Although villagers simply placed protest signs along the way to the Pesanggaran District Office, several official statements by local military and police authorities were released the next day which raised strong concerns about the use of communist logos.

The Banyuwangi District Prosecutor ordered the arrest of Heri Budiawan on 4 September 2017, for allegedly displaying a communist logo, aiming to "spread communist ideology." Three others have also been accused of involvement, however no charges have been placed against them. Appeals were lodged by Heri Budiawan's legal counsel, as well as the public prosecutor on 26 January 2018. As a further follow up, on 23 February 2018 Heri Budiawan's legal counsel will submit a legal memory appeal to the Surabaya Higher Court, as well as also looking to establish a public examination of Heri Budiawan's case in the beginning of March 2018.

This is the first time that the use of anti-communism sentiment has been used to restrain peaceful protest. Although he was sentenced to ten months, the Prosecutor asked for seven years in prison, currently one of the highest indictments of any activist in Indonesia, setting a dangerous precedent for similar cases in the future.

Please write immediately in English, Bahasa or your own language urging the authorities to:

- Release Heri Budiawan immediately and unconditionally,
- Ensure that pending his release, Heri Budiawan is protected from torture and other ill treatment while in detention, and has regular access to his family, and lawyers of his choice, and
- Ensure that activists, human rights defenders, journalists, academics, members of the political opposition and others can peacefully exercise their human rights without fear of punishment, reprisal or intimidation.

PLEASE SEND APPEALS BEFORE 4 APRIL 2018 TO:

Minister of Law and Human Rights

Yasonna Hamonangan Laoly, SH, MSc,
Ph.D

Jl. Rasuna Said Kav. 6-7 Kuningan
Jakarta, Indonesia 12940

Twitter: @Kemenkumham_RI

Fax: (+62)25253004

Email: rohumass@kemenkumham.go.id

Salutation: Your Highness

Head of National Police

General Pol H.M Tito Karnavian

National Police Headquarters

Jl. Trunojoyo No. 3, Kebayoran Baru

Jakarta Selatan, 12110, Indonesia

Twitter: @DivHumasPolri

Fax: (+62)21 7200669/7218741

Email: mabes@polri.go.id

Salutation: Dear General

And copies to:

Chairperson of the National Human
Rights Commission (Komnas HAM)

Ahmad Taufan Damanik

Komnas HAM Office

Jl. Latuharhary No. 4B, Menteng

Jakarta Pusat, 10310 Indonesia

Twitter: @KomnasHAM

Fax: (+62) 21 3925227

Email: pengaduan@komnasham.go.id

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

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Salakan Mountain is one of the few mountains in Indonesia where gold extraction takes place and it is under the control of Merdeka Copper Gold through its two subsidiaries PT Bumi Sukses Indo (BSI) and PT Damai Sukses Indo (DSI). Both companies were given licences to open and manage an area of 4,998 hectares and 6,623 hectares respectively in 2012. In addition to being responsible for social damage and ecological destruction, the villagers believe that the companies are endangering the safety of five villages; namely Sumberagung, Pesanggaran, Sumbermulyo, Kandangan, and Sarongan villages.

Since 2006, the struggle of villagers and communities has against the gold mine companies has escalated culminating in large clashes between the villagers and security personnel of BSI and DSI in 27 November 2015. Initially, Tumpang Pitu and its surrounding mountains was designated as protected forests. However, on 19 November 2013, Zulkifli Hasan, then Forestry Minister and currently Chair of the People's Consultative Assembly (Majelis Permusyawaratan Rakyat) has issued a decree changing the status of 1,942 hectares of protected forests to "industrial forest", which opens the door to massive mining operations in that area.

The legal provisions criminalising the spreading communist ideology originally date back to a period of severe repression of human rights under then President Soeharto's New Order regime between 1965 and 1998, The anti-communism campaign headed by Soeharto resulted in the death of hundreds of thousands and violations of a large array of other human rights, including to freedom of expression, opinion, and peaceful assembly.

Name: Heri Budiawan

Gender m/f: m

UA: 34/18 Index: ASA 21/7884/2018 Issue Date: 21 February 2018