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Indonesia: Release seven activists imprisoned in Sorong, Papua

The imprisonment of seven men in Sorong, Papua on 4 December 2013 highlights the ongoing criminalization of peaceful political activism in the region. Amnesty International considers the seven men to be prisoners of conscience – imprisoned solely for the peaceful exercise of their human rights - and calls for their immediate and unconditional release.

Six Papuan men, Obaja Kamesrar, Jordan, Magablo, Klemens Kodimko, Anthonius Saruf, Obeth Kremadi and Hengky Mangamis were sentenced by the Sorong District Court to one year and six months imprisonment for “rebellion” (*makar*) under Article 106 and 110 of the Criminal Code, while a seventh person, Isak Kalaibin, was sentenced to three years and six months in prison. They were all arrested and charged after taking part in a peaceful prayer gathering in Aimas District, Sorong to celebrate a traditional festival (*Pesta Mama*) as well as to commemorate the 50th anniversary of the handover of Papua on 1 May 1963. However Indonesian police accused them of supporting the independence of Papua and planning to raise the Morning Star flag, a symbol of Papuan independence which is prohibited under a 2007 government regulation.

According to their lawyers, after the seven were arrested, the Sorong District police attempted to deny them access to legal counsel and subsequently tried to video record discussions between the detainees and their lawyer.

The arrest, trial and sentencing of the seven men highlights the failure of the Indonesian government to make a distinction between armed groups and peaceful activists who may support Papuan independence, and between peaceful expression of opinion and acts of physical violence. Over 70 people from Papua and Maluku are currently imprisoned, some for as long as 20 years, for attending, organizing or participating in peaceful political activities and protests or possessing, raising or waving the prohibited pro-independence flags.

Amnesty International calls on the Indonesian authorities to respect the rights of all persons, including Papuans, to freedom of expression and peaceful assembly which are guaranteed in Article 19 and Article 21 of the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party. Indonesia must also release all prisoners of conscience, and revoke or amend all laws that criminalize freedom of expression to bring them in line with international human rights law and standards. In particular Articles 106 and 110 of the Criminal Code which criminalize peaceful ‘rebellion’, and Article 6 of Government Regulation No. 77/2007 which prohibits the display of regional logos or flags also used by separatist organizations should be revoked.

Before the arrests, police and soldiers had opened fire on the gathering which led to the deaths of two men, Abner Malagawak and Thomas Blesia. A woman, Salomina Kalaibin died on 6 May due to gunshot wounds to her stomach and shoulder.

Amnesty International is also concerned that there has yet to be an independent investigation into the deaths of the three people nearly seven months after the incident. The organisation calls on the authorities (1) to urgently set up a thorough and independent investigation into allegations of unnecessary use of force, including firearms, by security forces against the peaceful assembly in May; (2) make the results available to the public, and (3) hold those responsible to account. Failure to take the above steps will send a message that the security forces in Papua operate above the law.

In July 2013, the UN Human Rights Committee called on the Indonesian authorities to take steps to end impunity by its security personnel regarding arbitrary and extrajudicial killings, and take appropriate measures to protect the rights of political dissidents and human rights defenders. The Committee also raised concerns about “undue restrictions” on the rights to freedom of expression and assembly in the Papua region during demonstrations and protests.

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