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Indonesia: Release participants of peaceful gathering in Papua

Amnesty International calls for the immediate and unconditional release of at least fourteen people who are currently being detained and interrogated by the police in Papua. They were arrested yesterday for participating in the Third Papuan People's congress, a peaceful gathering held in Abepura, Papua province. Five of them, including Forkorus Yaboisembut, Edison Waromi, August Makbrawen Sananay Kraar, Dominikus Sorabut, and Gat Wenda have been charged for 'rebellion' and 'incitement' under Articles 106, 110 and 160 of the Criminal Code, which carry up to life imprisonment.

On the afternoon of 19 October 2011, the final day of the congress, military and police units approached the venue and started firing shots into the air to break up the peaceful gathering. This caused widespread panic among the participants who began to flee. As they fled, police units from the Jayapura City police station and the regional police headquarters fired tear gas and then arbitrarily arrested an estimated 300 hundred participants. The participants were held overnight at the regional police headquarters but most have now been released without charge.

Police and military officers allegedly beat participants with their pistols, rattan canes and batons during the arrest. The bodies of two participants, Melkias Kadepa, a student, and Yakobus Samonsabra, were found near the area of the congress with bullet wounds. Later that evening, security forces raided the Sang Surya seminary in Abepura arresting one person and allegedly firing bullets in one of the rooms.

The Indonesian government must immediately investigate allegations of excessive use of force to forcibly disperse the participants and investigate allegations of ill-treatment against some of them. There should also be an independent, impartial and prompt investigation into the deaths of Melkias Kadepa and Yakobus Samonsabra. If the investigations find that there were human rights violations involving the security forces, then those responsible, including persons with command responsibility, should be prosecuted in proceedings which meet international standards of fairness, and victims provided with reparations.

The reported heavy handed actions of the Indonesian security forces to disperse the peaceful gathering is a clear violation of the rights to freedom of expression, opinion and peaceful assembly which are guaranteed under the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party, as well as the Indonesian Constitution. While the Indonesian government has the duty and the right to maintain public order, it must ensure that any restrictions to freedom of expression and peaceful assembly are no more than is permitted under international human rights law.

Further, the UN Basic Principles on the Use of Force and Firearms state that law enforcement officials must apply non-violent means before resorting to the use of force and firearms. The 2009 Indonesian Police Regulation on the Use of Force also highlights the need to respect the principles of legality, necessity and proportionality when using force.

Several thousand people representing various tribes from all over Papua attended the Third Papuan People's congress from 17- 19 October 2011. Organisers had informed the Jayapura

police of the gathering as required by law. At the peaceful gathering, participants reportedly raised the prohibited Morning Star flag, a symbol of Papuan independence, and made declarations of independence. During the period of the congress there was a build up of an estimated 500 military and police personnel surrounding the venue. In recent years, over a hundred people have been arrested, charged or detained for peacefully raising the Morning Star flag in Papua.

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 any other political solutions that do not involve incitement to discrimination, hostility or violence.