

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Indonesia must end criminalization of peaceful political protests in Papua

Amnesty International calls today for the immediate and unconditional release of seven prisoners of conscience, arrested and charged merely for their involvement in a peaceful political protest and flag-raising. Their case highlights the continued failure of the Indonesian government to distinguish between armed groups and peaceful political activists.

A group of activists including students took part in peaceful march on 14 December 2010 protesting against injustice and human rights violations by the Indonesian security forces against Papuans. The march ended at the Penerangan Sanggeng field in Manokwari where other political activists had gathered to commemorate the anniversary of the independence of "West Melanesia". These activists are part of a group that emerged in Papua in the mid-1980s advocating the independence of Papua as "West Melanesia".

During the ceremony the "14 Star Flag", a symbol of West Melanesian independence, was raised. The Manokwari Sub-district Public Order Police (Polres) immediately responded by dispersing the crowd and arresting five students: Jhon Wilson Wader, Penehas Serongon, Yance Sekenyap, Alex Duwiri and Jhon Raweyai. They also arrested Melki Bleskadi and Daniel Yenu, two other political activists at the demonstration.

For several months the activists were forced to sleep on a wet floor in their detention cell at the Manokwari sub-district police headquarters (Mapolres) and all seven activists contracted malaria and lost a significant amount of weight. Their health and conditions of detention have since improved.

All seven men have been charged with "rebellion" under Article 106 of the Indonesian Criminal Code which carries a maximum sentence of life imprisonment, and with "incitement" under Article 160.

The trial of five of the men, all university students, began on 6 June 2011.

The rights to freedom of expression, opinion and peaceful assembly 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 freedoms of expression and peaceful assembly are no more than is permitted under international human rights law.

Amnesty International calls on the Indonesian authorities to withdraw a 2007 government regulation that bans the display of regional flags which are used by separatist movements. Amnesty International believes that this regulation is contrary to the spirit of the 2001 Special Autonomy Law that granted Papuans the right to express their cultural identity. Furthermore, the ban on waving these flags cannot be considered legitimate grounds for restricting freedoms of expression and association as set out in the ICCPR.

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.

Amnesty International has reported on dozens of arrests in recent years of political activists who have peacefully called for independence, particularly in areas where there has been a history of pro-independence movements such as Papua and Maluku.

Prisoner of conscience Filep Karma is serving a 15-year prison sentence for taking part in a peaceful ceremony in December 2004 in Abepura, Papua, where the prohibited pro-independence “Morning Star” flag was raised.

Most recently, in August 2010, the police, including the Special Detachment-88 Unit (Densus-88), arbitrarily arrested 21 men in the province of Maluku for planning peaceful political activities. The police reportedly tortured or otherwise ill-treated 15 of them during their arrest, detention and interrogation in order to force them to confess. All 21 were charged with “rebellion” and are serving prison sentences of between nine months and three years.