

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ASA 21/9040/2018
6 September 2018

Indonesia: Authorities must stop the crackdown on public events and peaceful assemblies

Amnesty International is concerned about attempts by the Indonesian authorities over the last few weeks to ban public events and peaceful assemblies relating to the political opposition's campaign to call for the public to select new president in the next year election. These actions are a violation of the rights to freedom of expression and peaceful assembly. The government of Indonesia must immediately end all forms of unlawful restrictions on public discussions and peaceful assembly organised by the political opposition.

On 25 August, the Regional Bangka Belitung Police Forces banned a public discussion about the current political affairs in Indonesia and the call to elect a new president with speakers of two political opposition activists Rocky Gerung and Ratna Sarumpaet who are well-known for publicly criticising President Joko Widodo. Similar event in Palembang, South Sumatra was cancelled by the hotel management on 31 August a day before a public discussion to which both Mr. Gerung and Ms. Sarumpaet were planned to speak. Further, the Regional Palembang Police Force also gave a warning to both people that they were only allowed to spend three hours in Palembang City and then had to leave the city.

On 25 August, hundreds of protesters prevented a former artist Neno Warisman, who is also a prominent supporter of the anti-President Widodo movement, from leaving the Pekanbaru Airport in Riau Province. The local police force only tried to prevent the protesters attacking Ms Warisman, but also did not allow her to leave the airport and asked her to go back to Jakarta. After spending eight hours at the airport, Ms Warisman fled back to Jakarta. She came to Pekanbaru city to join a political declaration not to elect the incumbent president. In the last few weeks, local authorities and police force in many cities in Indonesia, including in Batam, Makassar, Serang and Banda Aceh, also banned similar planned public gatherings to call for not electing President Widodo in the next election.

On 26 August, local Surabaya Police Force prevented an event in a hotel in Surabaya, East Java Province that invited a famous musician turned into political opposition activist Ahmad Dhani who would lead a political declaration to change the current president in the next year election. The hotel where Mr. Dhani stayed was surrounded by the pro-President Jokowi supporters.

All events above relate to the opposition movement of *#2019gantipresiden* (replacing the President in 2019). The police said that they won't issue a permit for a public event linked with the *#2019gantipresiden* movement because it could cause a "public disruption or disorder". However, under Law No. 9/1998 on Freedom of Expressing Opinion in Public, groups organizing public gathering or protests are only required to inform the police.

The actions from the local authorities and police forces to ban the anti-government movement are a clear restriction on the rights to freedom of expression and assembly which are enshrined in the Constitution and national legislation. Amnesty International recognizes that the Indonesian government has the duty and the right to maintain public order on its territory. However, it must ensure that any restrictions on freedom of expression and peaceful assembly are no more than are permitted under international human rights law,

including the International Covenant on Civil and Political Rights (ICCPR) to which Indonesia is a State party.

Under Article 19(3) of the ICCPR, certain restrictions on the exercise of the right to freedom of expression may be permissible, for the purpose of ensuring respect for the rights of others, or the protection of national security or of public order, or of public health or morals, but only where such restrictions are provided by a precisely formulated law which complies with human rights, are demonstrably necessary and proportionate to the stipulated purpose, and do not put in jeopardy the right itself. In the case of any such restrictions, the authorities must demonstrate in specific and individualised fashion the precise nature of the threat and specifically how it relates to the expression being restricted, and the necessity and proportionality of the specific action taken. Restrictions must not be overbroad – they must conform to the principle of proportionality and must be the least intrusive instrument amongst those which might achieve their protective function and proportionate to the interest to be protected; the principle of proportionality must be respected not only in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law.

Article 5(1) of the ICCPR states that “nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant”. In line with their obligation to respect and protect the right to freedom of expression, the Indonesian authorities should take effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression.

Amnesty International calls for Indonesia authorities to end all forms of restrictions to the rights of freedom of expression and peaceful assembly in relation to any public discussions and events.