Indonesia: Ten years behind bars for peaceful expression

Ten years since Filep Karma was convicted for his peaceful political expression, Amnesty International reiterates longstanding calls to the Indonesian authorities to immediately and unconditionally release him and all other prisoners of conscience in Indonesia.

His ongoing imprisonment highlights the repressive environment still facing political activists in the regions of Papua and Maluku, where dozens continue to languish in jail for up to 20 years for organising peaceful protests or raising prohibited independence flags.

Filep Karma was among approximately 200 people who took part in a peaceful ceremony in Abepura, Papua Province on 1 December 2004. In commemoration of the declaration of Papuan independence in 1962, the Morning Star Flag - a banned symbol of Papuan independence - was raised. Police then advanced on the crowd, beating people with batons. Filep Karma was subsequently arrested and charged with “rebellion” under Articles 106 and 110 of the Indonesia Criminal Code. He was convicted on 26 May 2005 and sentenced to 15 years imprisonment.

He has repeatedly been offered a remission of sentence or a pardon only if he requests it. However, he has rejected these offers, maintaining that he should never have been imprisoned in the first place and that to accept a pardon would compromise that principle.

In November 2011 the UN Working Group on Arbitrary Detention (WGAD) declared Filep Karma’s detention to be arbitrary on the grounds that he was imprisoned for the exercise of his rights to freedom of expression and peaceful assembly (Opinion No. 48/2011, Indonesia). These rights are guaranteed in the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party, and in the Indonesian Constitution. The WGAD also found Filep Karma’s detention to be arbitrary because he had been subjected to an unfair trial. Article 14 of the ICCPR guarantees the right to a fair and public hearing by a competent, independent and impartial tribunal established by law.

During his visit to the provinces of Papua and West Papua in May, President Joko Widodo took steps which seemed to signal a move away from the repressive policies of past administrations. These included the release of five political activists, who were imprisoned following unfair trials based on forced confessions made as a result of torture or other ill-treatment, and a pledge to grant clemency or an amnesty to other political activists detained throughout the country. He also announced that the authorities were lifting restrictions on foreign journalists, allowing them to access Papua, travel freely and report on the region.

While Amnesty International welcomes these developments, more needs to be done to address human rights violations in the region. Besides the release of all prisoners of conscience, the Indonesian authorities must set up a mechanism to address the culture of impunity in Papua and deal with current and past cases of human rights violations by security forces. Further, they should extend access to the region to international human rights non-governmental organizations (NGOs) and other independent observers to report on human rights violations.

Amnesty International takes no position on the political status of any province of Indonesia, including calls for independence. However Amnesty International considers that the right to freedom of
expression includes the right to peacefully advocate independence or any other political solutions that do not involve incitement to discrimination, hostility or violence.

Over the last week, Amnesty International’s members and supporters from a range of countries, including Indonesia, Malaysia, Philippines, Myanmar, Thailand, Australia, New Zealand, the United Kingdom, France, Germany, the Netherlands, Canada and the United States of America submitted petitions to the Indonesian authorities calling for the immediate and unconditional release of Filep Karma and all other prisoners of conscience in Indonesia.