

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Indonesia: Release Johan Teterissa and other prisoners of conscience

Joint statement by Amnesty International, KontraS, LBH Rakyat Maluku and Humanum

Amnesty International, KontraS, LBH Rakyat Maluku, and Humanum call on the Indonesian authorities to immediately and unconditionally release Johan Teterissa eight years after he was arrested for leading a peaceful demonstration in Ambon, Maluku. His release will be consistent with President Joko Widodo's expressed commitment made in May to release all political prisoners in Indonesia.

Johan Teterissa was arrested on 29 June 2007 after he and 22 other activists took part in a peaceful demonstration in front of then President Susilo Bambang Yudhoyono, who was attending a government-organized ceremony for National Family Day in the city of Ambon, the capital of Maluku province. During the ceremony, Johan Teterissa led other activists – most of whom were teachers or farmers – onto the ceremonial area and performed a traditional war dance in the presence of the President. At the end of the dance the activists unfurled the “Benang Raja” – a banned regional flag.

The police and presidential guards responded by detaining the demonstrators and punching and beating them with rifle butts once they were out of sight of the President. The 22 activists were then tortured by police – including officers from the anti-terrorist unit detachment-88 (*Densus-88*) – during their detention and interrogation. Eight years on, no independent investigation has been carried out into the allegations of torture and none of the police officers have been held to account.

Johan Teterissa and the other activists were eventually charged with “rebellion” (*makar*) under Articles 106 and 110 of the Indonesian Criminal Code – laws which are often used by the Indonesian authorities to imprison peaceful political activists. Johan Teterissa was initially sentenced to life imprisonment; however, this was reduced on appeal to 15 years. In March 2009, he and dozens of other prisoners of conscience were then transferred to prisons on Java Island.

Amnesty International considers Johan Teterissa and all those arrested with him as prisoner of conscience, imprisoned solely for peacefully exercising their rights to freedom of expression and peaceful assembly.

In November 2008 the UN Working Group on Arbitrary Detention (WGAD) declared Johan Teterissa'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. 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 Johan Teterissa'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.

Johan Teterissa and 14 other Maluku prisoners of conscience are currently imprisoned on Java island thousands of kilometres from their families in Maluku province. Our organizations also call on the authorities to transfer them to a prison closer to their families in Maluku, as they have requested, pending their release. Under Principle 20 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, "if a detained or imprisoned person so requests, he shall if possible be kept in a place of detention or imprisonment reasonably near his usual place of residence".

The Indonesia authorities have continued to use the "rebellion" laws to imprison political activists in Maluku for peacefully expressing their political views. In January 2015, nine political activists were sentenced to between one and four years for planning to commemorate the anniversary of the Republic of South Maluku (RMS) movement's declaration of independence and carrying the "Benang Raja" flags. At least 40 prisoners of conscience from Maluku remain imprisoned, some serving sentences of up to 20 years.

The above organizations urge the Indonesian parliament in their upcoming deliberations on a revised Criminal Code to repeal or else amend Articles 106 and 110 so that these provisions are no longer used to criminalize freedom of expression.