

URGENT ACTION

FARM WORKERS FACE IMPRISONMENT FOR INSULTING FLAG

Two farm workers, Sawin and Sukma, were arrested and detained by the police on 24 September 2018 for “insulting the national flag”, which they deny doing. Both men have been protesting the development of a coal power plant near their farmland in West Java Province. Sawin and Sukma are prisoners of conscience detained solely for exercising their human rights and must be immediately and unconditionally released.

Sawin and Sukma were arrested and detained by Indramayu District Police on 24 September 2018 and charged with Article 24(a) of Law No. 24/2009 on the Flag, Language and Symbol of the State, and the National Anthem. The charges were based on a report that Sawin and Sukma raised the Indonesian national flag upside-down on 14 December 2017, which they have denied. The police had previously arrested them and another farmer on 17 December 2017 for the same charges, however released them on the same day after a thorough investigation.

In May 2015, the Head of Indramayu Government (Bupati) issued an Environmental Permit on the construction of the coal power plant. In July 2017, some people who were affected by the coal power plant construction, including Sawin and Sukma, filed a case to the Bandung Administrative Court to revoke the Bupati's Environmental Permit arguing it violated some Environmental Laws. Subsequently, the Bandung Administrative Court decided to revoke the Environmental Permit on 6 December 2017. To celebrate the court's decision, Sawin, Sukma and other villagers installed some national flags on 14 December 2017 in a farmland. The following day, Sawin received an information from another farmer that one of his flags was upside-down. Certain that he had not installed the flag incorrectly, Sawin went to check the flags and founds some flags disappeared.

On 24 September 2018, the police renamed them as suspects for “insulting the national flag”. They are now under pre-trial detention by the public prosecutor office with the trial starting in a few weeks. They face up to five years' imprisonment or fine of IDR 500 million (USD 33,500). This is the first time that Article 24(a) of Law No. 24/2009 has been used to criminalise activists in Indonesia.

Please write immediately in English, Bahasa Indonesia or your own language urging the authorities to:

- Immediately and unconditionally release Sawin and Sukma as they have been detained solely for peacefully exercising their human rights;
- Ensure that they are protected from torture and other ill-treatment while in detention, and have regular access to their families, and lawyers of their choice; and
- Ensure that environmental activists, journalists, academics, members of political opposition, human rights defenders and others can peacefully exercise their human rights without fear of punishment, reprisal or intimidation.

PLEASE SEND APPEALS BEFORE 8 NOVEMBER 2018 TO:

Head of West Java Regional Police
Irjen Pol Agung Budi Maryoto
West Java Regional Police Headquarter
Jl. Soekarno-Hatta 748 Bandung City
West Java Province, Indonesia 40292
Twitter: @bidhumaspjdjbr
Fax: +62 (0)22 7813131
Email: spripimbandung@gmail.com
Salutation: Dear General

Chief of the Presidential Staff Office
General (Retired) Moeldoko
Bina Graha Building
Jl. Veteran No. 16, Jakarta Pusat
Indonesia 10110
Twitter: @KSPgoid
Fax: +62 (0)21 345 0009
Email: webmaster@ksp.go.id
Salutation: Dear General

And copies to:
Chairperson of the National Human Rights Commission (Komnas HAM)
Ahmad Taufan Damanik
Komnas HAM Office
Jl. Latuharhary No. 4B, Menteng
Jakarta Pusat, 10310 Indonesia
Twitter: @KomnasHAM
Fax: (+62) 21 3925227
Email: pengaduan@komnasham.go.id

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

FARM WORKERS FACE IMPRISONMENT FOR INSULTING FLAG

ADDITIONAL INFORMATION

On 17 December 2017 at 01.15am, four police officers from Indramayu District Police came to Mekarsari Village and arrested three farm workers for “insulting the national flag” which they had installed three days before. The police came with a letter of arrest only for Sawin but they ended up also arresting the other two farm workers, Sukma and Nanto. According to a witness, the police officers forcefully kicked the door of Nanto’s house open to arrest him.

Eleven days earlier, on 6 December 2017, the Administrative Court in Bandung City, West Java Province decided to revoke the environment permit of Indramayu coal power plant which has an effect of shutting down the power plant construction temporarily. The lawsuit filed by Indramayu Smoke Free Network (JATAYU) activists, in which both Sawin and Sukma are members, concerned on the impact of the power plant construction to the paddy field and various health problems suffered by local residents, for instance, respiratory infections and skin diseases. Between 2015 and 2017, Sawin and Sukma organised a series of protests against the construction of the power plant.

Article 24(a) of Law No. 24/2009 on the Flag, Language and Symbol of the State, and the National Anthem stated that “Any person banned to rip, step on, burn, or other actions that was intended to tarnish, insult, or humiliate the dignity of national flag”. Any person sentenced by this law could be jailed up to five years or pay fine up to 500 million Indonesian rupiah (USD 33,500). The charges against Sawin and Sukma cannot be viewed in isolation. The trend of harassment, intimidation and criminalisation of activists or human rights defenders has contributed to an ongoing climate of fear among them. Amnesty International has documented incidents of misuse of the Indonesian legal system to intimidate human rights defenders, rather than creating an environment that respects and protects their human rights and improve their ability to carry out their important work in line with the United Nations General Assembly Declaration on Human Rights Defenders and their right to freedom of expression guaranteed by the Indonesian Constitution.

Environmental activist Heri Budiawan, known as Budi Pego, was sentenced to ten months imprisonment on 24 January 2018 by the Banyuwangi District Court in East Java Province for violating Article 107a of the Indonesian Criminal Code for “Crimes against State Security”. He was found guilty of three primary charges; spreading Communist ideology, not notifying local policy about a protest according to Law No. 9/1998 and, as the leader of the protest, openly promoting pro-communism ideology by displaying of hammer and sickle symbol during the protest. This is the first conviction under a provision which criminalises spreading communist ideology since Soeharto left power in 1998, It sets a dangerous precedent for other activists. (See also <https://www.amnesty.org/en/documents/asa21/7884/2018/en/>).

Indonesian Constitution guarantees the rights to freedom of expression and peaceful assembly. But legislation continues to be used to criminalize peaceful political activities and to imprison people solely for the peaceful exercise of their rights to freedom of expression and opinion, peaceful assembly and thought, conscience and religion.

Name: Sawin and Sukma

Gender m/f: m

UA: 173/18 Index: ASA 21/9171/2018 Issue Date: 1 October 2018