

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Indonesia: Release Johan Teterissa and other prisoners of conscience in Indonesia

Five years since Johan Teterissa was arrested for his part in a peaceful demonstration, Amnesty International reiterates longstanding calls to the Indonesian authorities to immediately and unconditionally release him and all other prisoners of conscience 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 President Susilo Bambang Yudhoyono, who was attending a government organized ceremony 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 field and performed a traditional war dance in front 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 escorting Johan Teterissa and 21 of the activists from the field, punching them 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. They were beaten, forced to crawl on their stomachs over hot asphalt, whipped with electric cables and had billiard balls forced into their mouths. Five years on, no independent investigation has been carried out into the allegations of torture and none of the police officers was ever held to account.

Amnesty International calls on the Indonesian authorities to conduct an effective and independent investigation into the allegations of human rights violations, including torture, by the security forces against Johan Teterissa and the other activists, and to bring those responsible to justice in fair trials.

Amnesty International is concerned that Johan Teterissa does not have adequate access to clean drinking water at Madiun prison in East Java, where he is being held. Furthermore, there are credible reports that the prison authorities are limiting the amount of water available to him and other prisoners for bathing. The authorities must ensure that prison conditions meet standards provided for in Indonesian law and the UN Standard Minimum Rules for the Treatment of Prisoners.

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. The 21 other activists were sentenced to between seven and 20 years’ imprisonment. A twenty-third activist was arrested in June 2008 and was sentenced to four years’ imprisonment in March 2009.

Amnesty International calls on the Indonesian authorities to repeal or else amend Articles 106 and 110 of the Criminal Code so that these articles are no longer used to criminalize freedom of expression.

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 – Opinion No. 41/2008 (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 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.

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.

The ICCPR and the Indonesian Constitution guarantee the rights to freedom of expression, opinion, association and peaceful assembly. 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.