

# AMNESTY INTERNATIONAL

## Public statement

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### **Indonesia: End criminalization of peaceful political activities in Maluku**

The decision to charge at least 22 political activists in Maluku for “rebellion” once again highlights the failure of the Indonesian government to distinguish between armed groups and peaceful political activists.

Amnesty International urges the Indonesian government to release immediately and unconditionally the activists, who are all men, if they have been arrested solely for their peaceful political activities.

On 13 August 2010 the Maluku police announced that they were planning to charge the political activists with “rebellion” against the state (makar) under Articles 106 and 110 of Indonesia’s Criminal Code (KUHP, Kitab Undang-Undang Hukum Pidana). The police pointed to evidence which included possession of dozens of “Benang Raja” flags, a symbol of the South Maluku independence; Republic of South Maluku (RMS) membership cards; and photos and stickers of the independence flag.

According to local sources, the activists were planning to use the visit of Indonesia’s President, Susilo Bambang Yudhoyono, to Maluku in early August as an opportunity to disseminate materials related to alleged human rights violations there, including posters calling for the release of political prisoners in Maluku arrested for their peaceful political activism.

Amnesty International is also concerned about their safety in custody, as detained political activists are known to have been tortured and ill-treated in Maluku. The authorities must ensure that the men are allowed access to legal counsel of their choosing, their families and any medical treatment that they may require.

### **Background**

The Republic of South Maluku (RMS), an armed pro-independence movement, officially ended in Maluku with the execution of its leader by the Indonesian authorities in 1966. However, some villagers continue to raise the “Benang Raja” flag there as a peaceful political act of protest against the central government.

Amnesty International has documented dozens of arrests in past years of political activists who have peacefully called for independence, particularly in areas where there has been a history of pro-independence movements such as Maluku and Papua.

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 other political solutions.

The rights to free expression, opinion and peaceful assembly are guaranteed under the Indonesian Constitution and the International Covenant on Civil and Political Rights (ICCPR), to which Indonesia is a state party. While the Indonesian government has the duty and the right to protect life and to maintain public order within its jurisdiction, it must ensure that any restrictions to freedoms of expression and peaceful assembly are no more than is permitted under international human rights law.

In June 2007, 22 political activists in Maluku province were arrested for unfurling the “Benang Raja” flag while performing a traditional “Cakalele” dance in front of the President. After their performance, the police, particularly the anti-terrorist unit Detachment-88, detained all 22 of the dancers. They were tortured or otherwise ill-treated, charged with “rebellion” under Articles 106 and 110 of the Indonesia Criminal Code and are serving sentences of between seven and 20 years' imprisonment. Amnesty International considers them to be prisoners of conscience. A twenty-third dancer, also a prisoner of conscience, was arrested in June 2008 and sentenced to four years' imprisonment in March 2009.

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