

URGENT ACTION

PRISONERS OF CONSCIENCE AT RISK OF TORTURE

Malukan prisoners of conscience, Johan Teterissa and Johni Sinay, have been ill-treated by security personnel in Batu prison, Central Java. Both men are now at risk of further ill-treatment.

On 31 December 2013, police Mobile Brigade (Brimob) and military personnel from the 0703 district military command ransacked prison cells at the Batu prison on Nusakambangan Island in Central Java, where **Johan Teterissa** is imprisoned. Security personnel were reportedly brought in by prison authorities to conduct a search and seizure of banned items from prisoners in retaliation for unrest that occurred between some prisoners and the authorities the previous day. Johan Teterissa, **Johni Sinay** (a fellow Malukan prisoner of conscience) and other prisoners were stripped down to their underwear. Johan Teterissa's clothes, shoes, mattress and other belongings were taken away from him. Johan Teterissa, Johni Sinay and others have now been forced to sleep half naked on a cement floor for over a week, which constitutes cruel, inhuman and degrading treatment. It could also put their health at risk. The authorities also confiscated and burned the personal belongings of many of the other detainees.

Both Johan Teterissa and Johni Sinay were arrested in 2007 after taking part in a peaceful demonstration in the city of Ambon, the capital of Maluku province. They were charged with "rebellion" (*makar*) and both are currently serving a 15 year prison sentence. Johan Teterissa has been tortured and ill-treated during detention. Amnesty International has previously raised concerns about conditions of detention in Indonesia, including reports of overcrowding, poor sanitation and a lack of access to adequate medical treatment. In many cases such conditions fall short of international standards.

Please write immediately in English, Indonesian or your own language calling on authorities in Indonesia:

- To ensure that Johan Teterissa, Johni Sinay and others at the Batu prison immediately receive suitable clothing, adequate sleeping accommodation and are not tortured or otherwise ill-treated while in detention and ensure all conditions of detention meet standards provided for in national and international law and standards;
- To immediately and unconditionally release Johan Teterissa, Johni Sinay, and all other prisoners of conscience in Indonesia. Pending his unconditional release, transfer Johan Teterissa to a prison closer to his family in Maluku, in accordance with his wishes;
- To order an effective and independent investigation into the allegations of human rights violations by security personnel in Batu Prison, Nusakambangan island, and to bring those responsible to justice in fair trials.

PLEASE SEND APPEALS BEFORE 20 FEBRUARY 2014 TO:

Head of Batu Prison, Nusakambangan
 Liberty Sitinjak
 Lembaga Pemasyarakatan Klas I Batu
 Nusakambangan
 Tambakreja, Cilacap Selatan,
 53213, Cilacap, Central Java, Indonesia
 Fax: + 62 282 534057
 E-mail: lapasbatu@yahoo.co.id
Salutation: Dear Governor

Director General of Prisons
 Handoyo Sudrajat
 Director General of Prisons
 Ministry of Justice and Human Rights
 Jl. Veteran No. 11
 Jakarta Pusat, Indonesia
 Fax: +62 21 384 1711
Salutation: Dear Handoyo Sudrajat

And copies to:

Director General for Human Rights
 Harkristuti Harkrisnowo
 Ministry of Law and Human Rights
 Jl. H.R. Rasuna Said Kav No. 4-5
 Kuningan, Jakarta Selatan 12950,
 Indonesia
 Fax: +62 21 525 3095

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. This is the first update of UA 237/12. Further information:
<http://www.amnesty.org/en/library/info/ASA21/030/2012/en>

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ADDITIONAL INFORMATION

Johan Teterissa was arrested on 29 June 2007 after he and 22 other political activists including Johni Sinay 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. To date, no independent investigation has been carried out into the allegations of torture and none of the police officers has been held to account.

Johan Teterissa, Johni Sinay 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 on 4 April 2008; however, this was reduced on appeal to 15 years three months later. Johni Sinay was also sentenced to 15 years imprisonment. The 20 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.

Johan Teterissa is currently imprisoned far away from his family in Maluku and has told his lawyers that he wants to be moved to a prison closer to them. In March 2009 he was transferred from Ambon prison, Maluku to Lowokwaru Prison, East Java. On 5 July 2011 he was again transferred, this time to Madiun Prison also in East Java. Following his recent prison transfer on 21 July 2013, he is now being held in Batu Prison, Nusakambangan island together with Johni Sinay. Soon after his arrival at Batu Prison he was kicked and beaten by prison guards. The guards whipped Johan Teterissa’s back with electric cables causing him to bleed.

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 received 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.

Name: Johan Teterissa, Johni Sinay
Gender m/f: both male

Further information on UA: 237/12 Index: ASA 21/002/2014 Issue Date: 9 January 2014